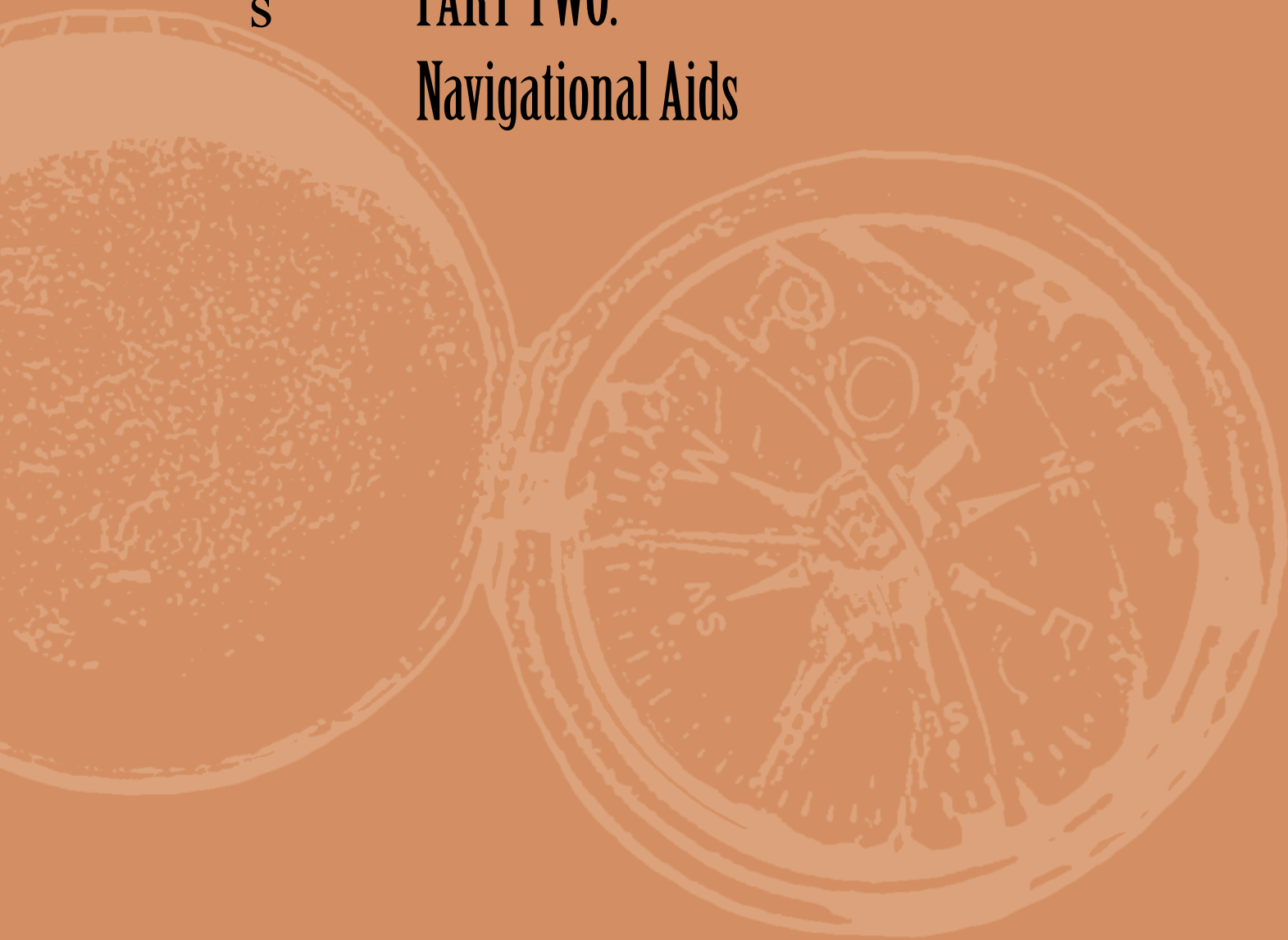
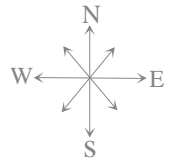


PART TWO: Navigational Aids





NAVIGATIONAL AIDS

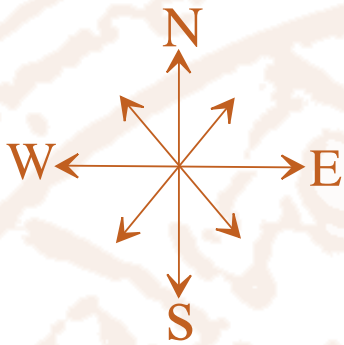
Section 5 of Part II looks closely at some case studies to determine what is working and what is not working when it comes to the relationships between police management and labor in law enforcement in the United States. Section 6 examines one of the nation's hottest political topics—racial profiling by police officers—and provides comments from a police researcher, police chief, police union leader, and the American Civil Liberties Union (ACLU).

For Section 5, the project coordinators and advisory team members selected three cities that best represent the various stages of success at implementing change or reform in some cooperative manner. Each case study encompassed one or all of the four tiers of a principled relationship between police management and police labor: communication, cooperation, respect, and trust. The three case studies in San Diego, California; Austin, Texas; and Stamford, Connecticut, examine how the parties worked together, tried to work together, or failed to work together on various issues confronting the department and community. Each case study disclosed which of the four tiers to a principled relationship were in place in the agency.

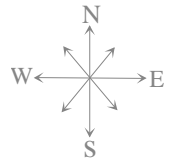
- *Chapter 12* examines the San Diego (California) Police Department. Police management had to work with the union to effect changes in the collective bargaining contract to allow the department to adjust shifts during a major international biotech conference. The project coordinators interviewed the police chief, assistant police chiefs, and police union president, and discussed not only the conference, but also the overall relationship between police management and labor.
- *Chapter 13* looks at the Austin (Texas) Police Department. The mayor and city manager wanted to gain the support of the police union in implementing a police civilian review process. The project coordinators interviewed the police chief, assistant police chief, and police union president about the dynamics of management and the union's collaborative efforts to develop and ratify a civilian review process into a collective bargaining contract. This case study has been made more complex because the implementation of the agreed-on civilian review process has been controversial and under attack by the ACLU and community groups. The ACLU of Texas provided an insightful commentary of its views on the issue.
- *Chapter 14* reviews the Stamford (Connecticut) Police Department. The project coordinators wanted to study the long-term effects of developing a strong working relationship among elected officials, the police chief, and the police union in a heavily unionized northeastern city. The mayor, police chief, and police union president were interviewed.

Section 6 is about one of the most politically volatile issues confronting law enforcement in the United States: racial profiling. The two chapters present one police chief's decision to seize the initiative and implement a racial profiling policy and how the ACLU became involved in the racial profile debate.

- *Chapter 15* provides insights into how one of the most progressive police chiefs in the United States was able to take the initiative and build a coalition among his agency, the union, and the community to implement a racial profiling policy.
- *Chapter 16* gives the ACLU the opportunity to address its stance on implementing racial profiling laws in every state, and why this position causes conflicts with police chiefs and police unions.



SECTION FIVE:
SMOOTHER SAILING: FOUR PRINCIPLES
THAT CAN CHANGE THE RELATIONSHIP



The West Coast

Chapter 12

POLICE MANAGEMENT AND LABOR WORKING TOGETHER IN SAN DIEGO, CALIFORNIA TO PREPARE FOR THE BIOTECH CONFERENCE

History of the San Diego Police Department

The Metropolitan San Diego Police Department (SDPD) was established May 16, 1889. Until then, city marshals and constables provided law enforcement in the city. Officers were paid \$100 a month and worked 12 hours a day, 7 days a week. In 1895, shifts were reduced to 8 hours but the pay was also cut to \$75 per month. Today, the police department has more than 3,000 officers and support personnel protecting a city of more than 1 million people. The San Diego Police Officers Association (SDPOA) represents the police officers in the department for the purposes of collective bargaining.

Why Was San Diego Chosen for the Case Study?

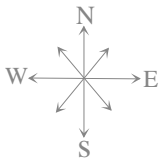
The project coordinators and advisory team members feel that San Diego represents one of the nation's most progressive and professional police departments. Virtually every city and county has to prepare itself for occasional conferences, festivals, demonstrations, sporting events, and political conventions, but San Diego has had more than its fair share of such events. When a police department needs to marshal its personnel and equipment, it is critical that management and labor have a good working relationship.

In San Diego, management decided to work closely with the union to prepare for possible demonstrations during the Biotech Conference. The city expected 12,000 delegates to the conference, and kept in mind that the World Trade Organization (WTO) conference in Seattle had resulted in destructive civil demonstrations and repeated clashes between demonstrators and the police. To adjust departmental schedules and shifts during the conference, management needed the assistance of the police union to make changes in the collective bargaining contract to allow the implementation of 12-hour shifts for a week of the Biotech Conference.

Management Perspective

Chief David Bejarano was the first official interviewed by the project coordinators. He advised that his relationship with the union president was based on respect, trust, and fairness. He recognized that the chief and union would have different issues and agendas at times. The chief felt he could have confidential conversations with the union president, which proved to be more than a perception. He stated up front that he wanted the union to have a voice at the table. He also acknowledged that top-down management would not work.

Chief Bejarano felt that the department had a history of working with the union when other big events were scheduled in San Diego, and management had involved the union in the early planning stages of the Biotech Conference. Police management wanted the union to buy into the need to adjust work shifts to 12-hour



days during the conference so that the city could control overtime costs. The chief assigned command staff to work with the union to identify issues and work out the details. Once the command staff and union were satisfied, the proposals would be brought back to the chief for approval.

The next interviews were with Executive Assistant Chief John Welter and Assistant Chief Steve Creighton. They felt management and the union leadership were willing to work together. Assistant Chief Creighton is the department's liaison with the police union. Police management knew that if the city had to pay overtime after 8 hours for the entire department for the week of the conference, the overtime costs would have been prohibitive. Police management was cognizant that the police union had to remain in good standing with its members. The key was communication with the union leadership.

Management recalled that they met with the union 2 and a half months before the Biotech Conference. It was management's position that contractual language allowing one shift change every 4 months had to be changed, and made a presentation to the union about controlling the financial cost of the conference on the city by placing all officers on 12-hour shifts to avoid paying overtime after 8 hours of work. SDPD Intelligence officers were brought in to brief the union on what to expect if 10,000 demonstrators turned out.

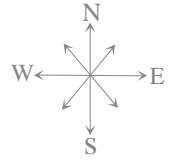
The union agreed to waive the contractual language with one proviso. If the city decided to activate the entire department, officers would not be sent home to avoid the payment of overtime after working 40 hours. The guaranteed overtime for the week was a major incentive for the officers. The union's position was that officers would make all of the necessary family arrangements to work 12-hour shifts for as many as 10 to 11 days. The union did not want the officers to have to face the uncertainty of having to readjust their personal lives if the work loads were light and supervisors would want to reduce the number of officers on city time. The actual deployment for the conference started on June 23 and concluded on June 27, 2001.

The agreement to waive Article 32 of the memorandum of understanding (MOU) on shift changes was concluded with a side letter of understanding sent by Assistant Chief Creighton to SDPOA President Bill Farrar. The letter conveyed, "Chief Bejarano's gratitude to the entire POA board for being receptive to modifying the MOU in this one instance for the conference." The contract waiver was not by ratification of the members. While it was pointed out that this is legally permissible under California's meet-and-confer law for the union leadership to agree to amend the contract without a membership vote, police management admitted that in hindsight it would have been better to have had the union leadership sign the waiver in the event there was a breakdown in the relationship. Union members filed no grievances over the amendment.

The letter dated June 1, 2001, stated the department and the SDPOA agreed to the following:

- Not change hours to avoid overtime
- Allow an officer to work the entire shift if scheduled for a 12-hour shift
- Increase the maximum number of compensatory hours that the officers are allowed to carry to the next fiscal year.

One benefit of the Biotech Conference was that the department received a substantial amount of new equipment and every officer received additional training. This was especially beneficial for detectives, who had not had any operational training in years. Detectives were placed in Mobile Field Forces. Police management and the union agreed to notify each officer 10 days in advance where he or she would be assigned.



Police management had studied the WTO conference in Seattle, Washington, where police made 600 arrests and demonstrators caused \$2.5 million in damage to downtown businesses. The SDPD used the media to publicize how prepared the department would be to handle any unruly demonstrations. This preparedness paid off because the number of demonstrators dropped off after the first day. The city expected up to 6,000 demonstrators, but on Sunday fewer than 1,000 marched through the city. In hindsight, police management would have liked to have had the ability to return officers to their normal 8-hour shifts and save the overtime money, but they recognized that the union would have protested. The city's hard costs were about \$3 million, including overtime and equipment. Not included was cost of the harbor patrol, sheriff's department, and neighboring police departments. Only 20 arrests were made, none of them violent.

The assistant chiefs felt that the union and management had a culture of working together and that the relationship was never adversarial. One example of mutual cooperation was the creation of the Retired Senior Volunteer Program (RSVP), a volunteer force of 1,100 citizens who would assist the department. The use of citizen volunteers in a department that has one of the lowest ratios of officers per citizen could have been a sore spot for the union. Police management and the union worked out the legal and contractual issues. The union bought into the volunteer program because they saw the volunteers doing some of the least desirable jobs in the department. The union has contributed funds to aid the program.

Another proposal being considered between the union and management is to allow the city to rehire retired police officers. The retired officers would be outside the bargaining unit, would be paid a nominal fee for their services, and could work 90 days a year.

One practice that helps maintain a cooperative relationship between management and the union is that the union president and the command staff liaison meet two to three times a week to discuss disciplinary matters. Many disciplinary cases are mediated between police management and the union. Police management reported that SDPD has filed very few contract grievances. As of the date of this case study, only two grievances were before the city council.

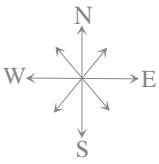
The SDPD's civilian review board advises the chief, who listens to the board's advisory opinions, but the board has no subpoena power. The California Peace Officer Confidentiality Act prohibits the public from seeing a peace officer's personnel file.

Union Perspective

Bill Farrar, president of the SDPOA, is a 30-year veteran of the police department and serves as a patrol officer. SDPOA represents 98 percent of the 2,100 officers in the bargaining unit.

Farrar participated in the briefing by police management on what to expect during the Biotech Conference. Police management recalled that it contacted the union about 2 and a half months in before the conference. Actually, written documents indicate that police management did not contact the union until about 2 to 3 weeks in advance of the conference.

Farrar stated that the union was not really involved in the planning for the Biotech Conference because it was too late in the planning stage when the first meeting took place. He said that management wanted just one waiver on the shift changes. The union still had a bad taste in its mouth over the Republican National Convention when the department sent officers home early after mobilizing them on 12-hour shifts for the convention. The union had submitted a grievance and the city had to pay the officers for the 12-hour shifts.



The union wanted a guarantee that if the city activated the department's officers, the officers would stay activated until the conference was over.

The union wanted one additional agreement. A provision in the contract allows officers to accumulate up to 80 hours of compensatory time and allows officers to pay down (or sell back) 45 hours each July 1. Since the Biotech Conference was just before the July sell-back, the union wanted the cap raised to 160 hours and to allow the officers to carry over that time until July 2002. Officers would be receiving a 5 percent raise during this contract term, and they could sell back the compensatory time at a higher rate of pay, thereby saving the overtime money.

Farrar felt that the union was legally sound in its position to agree to the waiver by a side letter. The union was not going to assert a violation. The city and union rarely do side letters but this was a special circumstance. The union issued a bulletin to its members dated June 5, 2001, explaining the MOU waiver.

Since the union president is released from full-time police duties, he was permitted to move around the various workstations, assembly points, and demonstration sites during the Biotech Conference to meet with officers. When San Diego hosted the Republican National Convention, officers complained about a lack of water, food, and restroom facilities. The city corrected these problems during the Biotech Conference.

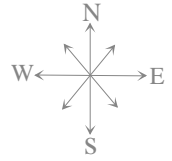
The union set up a hotline to take complaints, but it received virtually no calls. There were some complaints about the few supervisors who wanted to send officers home when nothing was happening, but the union contacted management and management rectified the complaints. Farrar said that he believed most of the officers enjoyed the change in routine. New uniforms, equipment, and training allowed SDPD to "show their stuff" to the media and public. Plus the overtime earned during Biotech was a nice addition to their pay.

Farrar believes that the union has a good relationship with police management. He said a previous assistant chief assigned as the union liaison was a problem, but he and Assistant Chief Creighton have been able to work closely together. He believes they can speak frankly and share unofficial points of view. Since they were already working closely on disciplinary issues, this relationship carried over to preparations for the Biotech Conference. Assistant Chief Creighton and Farrar try to resolve all issues before they get to the chief's level. Farrar could recall only two incidents where grievances needed to be heard by the chief. Where the union and management have not been able to resolve cases through mediation, they agreed to disagree.

The union acknowledges that there are very few grievances, given the size of the bargaining unit. Most grievances are resolved informally. Farrar stated that the vast majority of all officers who received discipline did not file an appeal. The department's Disciplinary Review Committee includes the union in reviewing how discipline is administered. The union encourages the use of informal means of resolution for all discipline because once attorneys are assigned the process becomes more adversarial. A second committee that includes the union is reviewing the promotion process.

Farrar agrees that the RSVP has been beneficial to the department. He said that individual officers have different opinions about the effectiveness of the program but, overall, the rank-and-file officers support it. He said the RSVP volunteers do vacation checks and other work that would not get done otherwise. The union funds thank-you parties and supports the program in other ways. While there are occasional conflicts between the RSVP volunteers and SDPD officers, these issues are resolved quickly.

Farrar raised some concerns about police management's proposal to rehire retired officers, questioning who will represent them for legal and contractual problems.



Principles Identified

In San Diego, both police management and the union acknowledge that they have a day-to-day level of communication, cooperation, respect, and trust. This daily contact carries over when management and the union need to make other changes. Management makes an effort to give the union ownership in the department. Both parties recognize that this relationship needs constant work to be successful. While the union has been cooperative with management, if management takes that for granted the union leadership may decide to become more adversarial.

§ San Diego *Union-Tribune*, May 15, 2002.

Postscripts

Collective bargaining negotiations between the City of San Diego and the SDPOA reached an impasse in 2002. The union wanted a 14 percent raise over 3 years and the city's final offer was 13 percent. The city council imposed a one-year 2 percent wage increase. The union conducted a series of public education campaigns to pressure the mayor and city council to give the union a bigger raise.

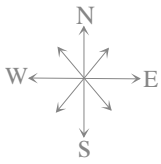
§§ San Diego *Union-Tribune*, January 22, 2003.

§§§ San Diego *Union-Tribune*, February 1, 2003.

SDPOA President Farrar predicted that the officers would take a variety of steps to indicate their displeasure, including refusing to work overtime voluntarily on special events such as the January 2003 Super Bowl. Mayor Dick Murphy said any protest by the police would be unfortunate.[§] The SDPOA decided against picketing the football game. The city council was advised to accept a new police union contract. SDPOA President Farrar was quoted in *Union-Tribune* as saying he wouldn't speculate on what part a decision by the union to call off the Super Bowl demonstrations played in advancing the contract proposal. In the same article, Mayor Dick Murphy stated that he suspected that "the governor's proposed budget cuts had more effect on the settlement than the Super Bowl."^{§§}

The city council agreed to make an offer of an 11 percent pay raise and to shorten the workday for detectives from 10 and a half hours to 10 hours. Ninety-six percent of the union members voting approved the proposal that gave the 2,083 officers in the bargaining unit a 2 percent raise in July 2003, 2 percent in December 2003, 4 percent in July 2004, and 3 percent in December 2004. The *Union-Tribune* quoted Farrar as saying, "I'm pleased we had the ability and the opportunity to increase the compensation to officers, to make San Diego more competitive."^{§§§}

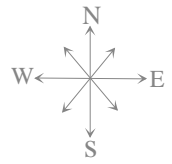
Since the case study concluded, San Diego Police Chief David Bejarano retired in 2003 and accepted an appointment by President George W. Bush as the U.S. Marshal for the Southern District of California. Assistant Chief Steve Creighton retired in 2003. San Jose Police Chief John Lansdowne replaced Chief Bejarano. SDPOA President Bill Farrar did not seek reelection in 2005.



FOR MORE INFORMATION ON THIS CHAPTER

For a chronological newspaper account of the events in this case study, go to San Diego *Union-Tribune* at www.sandiego.com.

- “Biotech convention organizers, critics foresee a peaceful event,” by Penni Crabtree, June 8, 2002.
- “Police officers were not treated fairly,” by Thomas M. Rhodes, June 26, 2002, pg. B.11.
- “S.D. police won’t picket at the game,” by Diane Bell, January 21, 2003, pg. B.1.
- “City to be advised to OK police union plan: Negotiations for officers’ raise broke down in May,” by Ray Huard and Joe Hughes, January 22, 2003, pg. B1.
- “Police in line for 11% raise over 2 years: Officers voting on tentative deal,” by Ray Huard, January 30, 2003, pg. B.1.1.7.
- “San Diego police officers approve new contract: Package includes 11 percent raise over 2 years,” by Pauline Repard, February 1, 2003, pg. B1.
- “Next police chief: Choose best person to face unresolved issues,” Editorial, March 23, 2003, pg. G.2.
- “Policing for America’s finest city,” by David Bejarano, March 30, 2003, pg. G.3.
- “Chief bids farewell: Smiles, and some tears, as Bejarano steps down,” by Joe Hughes, April 25, 2002, pg. B.2.1.6.
- “Bejarano lauded as ‘one of the best’,” Editorial, April 29, 2003, pg. B.2.
- “A rare outsider: Landsdowne is good choice for police chief,” Editorial, July 29, 2003, pg. B.6.
- “City Council OKs choice for top cop: Lansdowne’s ‘hands-on’ approach begins August 25,” by Ray Huard and Joe Hughes, July 30, 2003, pg. B.1.1.7.
- “S.D. police union sues city over pensions: Millions sought, and Aguirre ouster,” By Ronald W. Powell, August 10, 2005, online edition.



On the Gulf Coast

Chapter 13

COOPERATION BETWEEN THE CITY OF AUSTIN, TEXAS AND THE POLICE ASSOCIATION TO IMPLEMENT A CIVILIAN REVIEW PROCESS

History of the Austin Police Department

The Austin Police Department (APD) was established in 1924. Until then, the city marshal and his deputies performed policing functions in the city. Austin is the state capital and the fourth largest city in Texas. Today the police department employs 2,000 officers and support personnel, protecting a city of 656,000 people. In 1947, the Texas Legislature prohibited all public employees from collectively bargaining, and in 1973, the state legislature amended the prohibition to allow local government police officers and firefighters to collectively bargain if it was approved by the local voters. In 1995, the state legislature granted Austin police officers the right to meet and confer with the city without a referendum. The Austin Police Association (APA) represents all ranks in the department below chief for the purpose of collective bargaining.

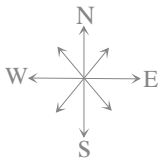
Why was Austin Chosen for the Case Study?

The project coordinators and advisory team members wanted to do a case study on the impact on elected officials, city government, police management, police labor, media, and the community when attempting to implement change over a politically sensitive issue. Since the implementation of a civilian oversight process is one of the most controversial issues in American policing, they decided to use the Austin (Texas) Police Department for the case study.

With its high-tech industries, 50,000 students and 13,000 employees at the University of Texas, and 50,000 state employees, Austin has been characterized as a well-educated, high-income and socially active city. Austin has been one of the fastest growing cities in Texas and the United States in the past 2 decades, resulting in rapid expansion of the police department. Rapid growth has also increased the crime rate and raised the potential for conflicts between police officers and citizens.

A defining moment in the community came on February 11, 1995, when police officers responded to a party on Cedar Street. While the citizens involved and the police officers at the scene offer varying accounts about to what happened, a fight started, and as police officers on the scene tried to intervene, one of the officers was stabbed in the head with a buck knife. More units responded and a major confrontation occurred. No APD officers were disciplined. A civil trial resulted in a jury split 5 to 1 over whether police used excessive force, and ruled against the plaintiffs. The city and the plaintiffs later settled out of court. The Cedar Street incident resulted in calls from certain elements in the community for civilian review of the police department.

In 1999, Austin Mayor Kirk Watson created a citizen's committee called the Police Oversight Focus Group (POFG) to meet and discuss the creation of a Civilian Review Process (CRP). The mayor then requested the city, police union, and police management to reach a consensus on the issue of a CRP during contract negotiations between the city and union in 2000. The agreed-on CRP would be incorporated into the memorandum of understanding (MOU) to bind the city and the officers. The one fly in the ointment was the American Civil Liberties Union (ACLU) and other community organizations.



Management Perspective

Chief Stan Knee was interviewed briefly by the project coordinators. He has been chief of police since 1997, and was chief of police in Garden Grove and National City, California, before coming to Austin. He is a 35-year veteran of law enforcement. Chief Knee assigned Assistant Chief Rick Coy and Assistant Chief Mike McDonald to represent police management during contract talks between the city and the police union. Assistant Chief McDonald was not available to speak to the project coordinators. He was promoted recently to serve as a deputy city manager as part of a cross-training program for city management personnel.

Assistant Chief Rick Coy was the primary management interviewee for this on-site visit. He is a 29-year veteran of the Austin Police Department, was promoted to Assistant Chief in 2000, and currently is assigned to the Community Policing Support Bureau.

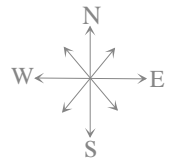
Assistant Chief Coy advised that the mayor appointed a diverse group of citizens to the POFG, including the president of the police union, to work on the language for a CRP. He noted that the mayor did not appoint anyone from police management to serve on the POFG. He believes that this decision kept the command staff outside the loop early in the process. The command staff felt that the media and public saw the union as representing the police department. In hindsight, Coy believes that police management should have been appointed to represent the chief of police and command staff on the POFG. According to Coy, the POFG ultimately developed a blueprint of a CRP without any insights from police management.

The POFG blueprint was submitted to the city, police union, and police management with the understanding that it was to be refined further during the meet-and-confer discussions. Assistant Chief Coy stated that police management had its first opportunity to review the POFG blueprint of a CRP when contract talks began. Coy felt that the parameters were already set and police management could not reinvent the wheel at the bargaining table. He did say that police management was able to make some minor changes to the POFG blueprint; however, very few changes from the language in the blueprint to the final CRP language were adopted in the contract.

Overall, Assistant Chief Coy felt that police management was satisfied with the final language. The final CRP language created a seven-member panel with one person appointed by each of the seven city council members. The CRP panel would not be allowed to issue subpoenas or overturn any discipline issued by the chief of police. The CRP panel could review cases not sustained by the chief of police. Each member of the CRP panel would be required to attend a police training program.

The city manager would appoint one full-time paid police monitor and all citizen complaints would be directed through the police monitor before going to the Internal Affairs Division (IAD) unless the complaint was internally generated. The police monitor would receive an itemized list of all citizen complaints each Friday, and would have access to all complaints, files, and IAD interviews, but would not be allowed to interview officers. The police monitor cannot be present when an officer receives disciplinary action.

The CRP language agreed on at the bargaining table reached the members in early 2001 and received a less-than-warm welcome from many rank-and-file union members. Assistant Chief Coy stated that 40 percent of the officers voted against ratifying the contract despite a 24 percent increase in wages over the next 3 years. He felt that many police officers were misinformed about the impact of the CRP and the union was unable to educate them. He said the main theme of the dissent related to why the union was even involved in negotiating over a CRP. To add to the disinformation, a small group of officers affiliated with the Fraternal Order of Police (FOP) encouraged a no vote against ratification of the contract.



Assistant Chief Coy reported that police management attended the shift meetings and explained the conditions and issues with the contract. He felt there was a level of trust with the officers and it was in part because of the police chief's support that the contract was ratified.

Union Perspective

Austin Police Association President Mike Sheffield is a detective with more than 27 years of service. Since July 2001, he has been on full-time release from his patrol duties to conduct union business. Detective Sheffield participated in the POFG and was at the bargaining table during contract discussions to adopt a civilian review process.

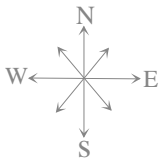
Detective Sheffield was asked by Mayor Watson to participate in the POFG. It was a tough decision because Detective Sheffield knew that any union participation in drafting a civilian review process would have the potential for member backlash. He requested that the mayor and council agree in advance that the final CRP language be negotiated into the MOU between the city and the union. Detective Sheffield states that the union is very politically active and the union has a good relationship with the mayor and the majority of the city council. One council member was an active-duty APD officer and union member when he sought and won election with the financial support of the APA's political action committee.

With the guarantee from the mayor that the police union would have ownership in the CRP language, Detective Sheffield felt that the police union had the opportunity to have input in the process and the police union could control the CRP issue in the future through collective bargaining. It was a calculated gamble that almost backfired on the union leadership.

The union's primary concern with any CRP was to protect individual officers from becoming political footballs during an investigation. The union wanted one police monitor appointed by the city manager to prevent the position from becoming a political appointment by the city council. The union agreed that the police monitor could review IAD files, but that the police monitor could not remove the files from the department. With the city and union in agreement on all major issues regarding the CRP, the parties were able to resolve the language differences and incorporate the CRP into the MOU without any significant disagreements.

Detective Sheffield had a different impression about why the chief of police and the command staff were excluded from the POFG. He believes the chief of police did not want to participate, and purposely chose to remain outside the loop. He believes the chief of police chose not to be a part of the political decision making on the CRP because management did not want ownership in case the issue turned politically sour. Detective Sheffield was under the impression that police management wanted to make the police union take possession of the POFG blueprint, but the police union refused to make it a union-driven issue. The city had to introduce the blueprint at the table as its proposal. Sheffield thinks that management never wanted a CRP and thought the union was ill-advised to get involved.

The police union leadership faced intense internal pressure when the proposed contract was presented to the members. Despite achieving a 24 percent increase in wages, it was evident that the CRP language was the focus of all opposition. The union's ratification meeting lasted 8 and a half hours and was extremely volatile. The union attempted to educate the members about why the union needed to have control of the issue in the MOU and not to allow the ACLU and other community groups to draft the CRP language. The FOP lodge flooded the department with its anticontract position and encouraged the members to vote down the contract. The union retained legal counsel to issue a report that countered the FOP's allegations.



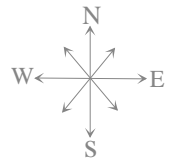
In the end, Detective Sheffield believes the large wage increase outweighed the anger at the CRP language. He believes that the contract would have failed ratification had the wage increase and other new economic benefits been lower. The mayor and city council wanted to put to rest the CRP issue and they were willing to give the police substantial pay hikes to get union approval. After the members ratified the contract, some union dissidents circulated a petition to recall Detective Sheffield as president of the union. The petition drive failed to get enough signatures.

The union disagrees with Assistant Chief Coy about the effectiveness of police management attending shift meetings in support of the contract. Detective Sheffield stated that he had to call Chief Knee to ask that police management stop attending shift meetings because he heard members complaining about police management “selling” the contract. Even though the police command staff is covered by the MOU and most police managers are members of the police union, the divide between the rank-and-file and police management still exists. Detective Sheffield felt that police management advocating the contract would cause some rank-and-file union members to vote against the contract.

The police union’s one regret was that it allowed the city to pressure the union into rushing the ratification vote on the contract. The city had signed off on a very large economic package for the police just as Austin’s high-tech industry was faltering and the city did not want a media or public backlash for giving the police big pay raises. The police union was criticized for sending out its newsletter announcing the settlement before many of the members had even seen the proposals. Many officers saw the proposed contract language, but they did not have the explanations from the union about what the new provisions meant. Detective Sheffield feels it was a big mistake to rush to ratification because the union needed more time to educate the members on such a controversial and complex subject.

The city council faced stiff opposition from the ACLU and various community groups requesting that the city council not ratify the MOU. The ACLU argument was that the police received substantial wage hikes but no real accountability. Mayor Kirk Watson and several council members carried the day in convincing the majority of the council that the newly adopted CRP needed time to work. The ACLU claimed that it was betrayed in the process and the CRP was too weak and ineffective to control police abuses.

In hindsight, Detective Sheffield still believes his participation in the POFG and negotiating over the CRP was the best option available to the police union. The ACLU and its supporters were not going to give up and they were building a media campaign to sway the city council and the public to support the ACLU version of civilian police oversight. He believes that each critical incident would just stir the pot and raise the police oversight issue again and again. Detective Sheffield felt that the police union could not ignore the political reality that certain vocal groups in the community wanted a much stronger civilian police oversight process. It is the union’s perception that the ACLU version of civilian police oversight would have subjected the union and its members to a much more political process that was antipolice in its investigations.



Principles Identified

The police union has developed a level of communication, cooperation, respect, and trust with the city administration and elected officials. While the union and management have some communication and an overall cooperative relationship, the parties need to improve the level of respect and trust. If the union and management can continue to improve communication and cooperation, a level of respect and trust will develop. The CRP issue was revisited when the MOU expired in 2003, and the ACLU and various community groups mounted a media and political campaign to strip away what they consider to be too many protections for police officers accused of misconduct. The union and management have a vested interest in a fair and equitable due process system that is apolitical and warrants public trust. A close working relationship between union and management will ensure that the public's interest in maintaining a well-regulated police department is met.

Conclusions

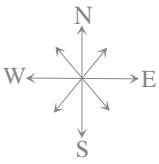
Police management should have participated in the POFG. The chief of police and command staff have to be seen by the public as representing the police department in the process. The union's role is to represent the rank-and-file police officer. These are distinct and separate interests at times. The union leadership assumed a risky position when it entered into policy making over a CRP. Most union leaders would have been too afraid of member backlash to have served on the POFG or to have signed off on any MOU language on the CRP. As seen in the postscript, the city and police union should have expedited the implementation of the CRP. The 1-year delay allowed proponents of a stronger CRP to gain political momentum and attempt to derail the agreement. Civilian oversight of the police is a very controversial topic and Austin was able to implement a CRP with at least the agreement of the elected officials, city administration, police management, and the police union, and, they hope, the majority of the general public.

Postscript: In January 2002, the city selected an attorney as the new police monitor. Immediately, the ACLU and other community groups started a grass roots campaign to pressure the mayor and city council to place its version of a CRP on a ballot for adoption in the city charter.

The ACLU amendments included the following:

- Amend the CRP to require appointment of the police monitor by the city council instead of the city manager. This would allow the ACLU and other community groups the opportunity to use the political system to lobby the city council over who is appointed as the police monitor.
- More specifically, the ACLU wanted more information on police misconduct investigations to be made public. The ACLU position was that completed investigations of officer misconduct should be made public regardless of whether the officer was found to have done anything wrong. Those reports are protected by state civil service laws that allow the report to be released only if the officer is punished.

The union believed it had a clear understanding with the city manager, mayor, and council that the union would participate in developing a CRP only if the language was negotiable and locked into the MOU. The police union felt that the POFG and the MOU resulted in an agreed-on CRP acceptable to the mayor, city council, city administration, police management, and the police union. The police union threatened legal action to enforce the MOU if the city council placed amendments to the CRP on the ballot. Detective Sheffield was quoted in the *Austin American Statesman* as saying, "We shook hands. We signed a paper. If



they keep this up, they won't have any oversight at all." The spokesperson for the ACLU's Texas Police Accountability Project called the union president's statements, "a threat from the police to the people."[§]

The ACLU and certain community groups packed city council chambers and lobbied each council member. The union mounted its own public relations campaign. Dueling press conferences were held. The union produced and aired a series of radio commercials asking the public to contact their council members and support the current CRP language. The city council on a four-to-three vote narrowly decided to not place any CRP amendments on the charter ballot. There is no doubt in anyone's mind that the issue of police oversight has not been settled.

§ *Austin American-Statesman*, March 5, 2002.

It appeared initially that Austin police officers, the police union, police management, and elected officials had mutually agreed-on a mechanism to allow the community to vent its frustrations in an open forum. The new police monitor and civilian review process was given its first high-profile case.

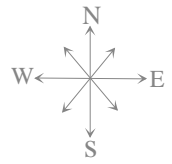
§§ *Austin American-Statesman*, June 12, 2002.

On June 12, 2002, Austin police officers answered a disturbance call at a housing authority apartment complex. A mentally disturbed 23-year-old female charged out of her apartment wielding a knife and started chasing the apartment manager. Police officers at the scene attempted to get the woman to drop the knife, but when the apartment manager tripped and fell, a police officer fired one shot to stop the woman from stabbing the apartment manager. This incident was the first test for the new police monitor and CRP.

While any shooting by police officers of a citizen has the potential to generate controversy, this incident has all the makings of an incident that has deeply divided the community. The officer and the apartment manager are white, and the deceased woman was African-American. The ACLU, the NAACP, and other community organizations called a press conference at the scene and filed a civil law suit against the city and the police officer involved. The *Austin American Statesman* reported that the dead woman's mother arrived at the scene and stated, "They killed my baby. They could have shot her in the leg. She was a mental patient. They didn't have to kill that child." Assistant Chief Rick Coy was quoted as saying, "The woman was standing right over the housing authority person with a knife. The officer's use of force was to prevent serious injury and had nothing to do with mental illness."^{§§} The grand jury did not find sufficient evidence to warrant prosecution, and the police department filed no administrative charges.

The police monitor requested that the city hire an outside law firm to conduct the investigation and the union sued to block the outside inquiry. The state district judge rejected the union's lawsuit and ordered the outside investigation to proceed; however, the final report has not been revealed to the public because of restrictions in the state civil service law and MOU about release of personnel file information. The police monitor resigned. The city and police union battled in the public press about the inquiry. The city and union agreed to a new 3-year MOU in 2004 that included prohibitions against the CRP panel and police monitor commenting to the media during an investigation and new rights for officers to see witness statements before answering questions.

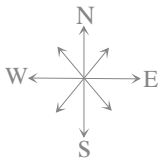
Unfortunately, the initial CRP and police monitor system broke down and nearly collapsed from public pressure from all interested parties. Police shootings of minorities in 2004 and 2005 continue to test the CRP. Only time will tell if the parties can find a civilian oversight system that is trusted by everyone concerned.



Interviews

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ACLU OF TEXAS PERSPECTIVE ON THE AUSTIN POLICE CASE STUDY

By
Will Harrell
Executive Director
ACLU of Texas

The American Civil Liberties Union (ACLU) of Texas Police Accountability Project was formed after Austin police shot and killed three men under questionable circumstances, a few months apart in 1999. In all three fatalities, the Austin Police Department (APD) swiftly exonerated the officers and gave information to the district attorney which resulted in three fast No Bills, which means that the grand jury cleared the officer of the charges.

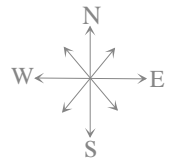
A representative of the ACLU of Texas on the Police Oversight Focus Group (POFG) negotiated the civilian review process (CRP) in good faith with the police union president and the others in the group. The ACLU of Texas signed the POFG recommendations believing that the public interest was compromised by union interests to the point where any additional loss of public interest terms would fail to serve the public interest. The ACLU was shocked and saddened when the meet-and-confer labor contract was revealed to the public. The language in the memorandum of understanding (MOU) gutted beyond recognition the POFG agreement. Every term that benefited the public was altered so that the public was completely excluded from the civilian review process. As a result, the first ever CRP in Austin was not accountable to the public in any way.

The whole CRP is under the city manager, who has a conflict of interest: the city manager has a legal duty to defend the city against allegations of police misconduct. The public has no additional access to information about the facts of any case or the resulting discipline or lack thereof in any case. Even the CRP panel has very limited access to information. And all of the CRP's activities take place behind closed doors. These deficiencies are obvious to the public.

The public was never told that the Austin Police Association (APA) would have ownership of this system. It was a secret deal between the APA and a majority of Austin city council members. From the ACLU's perspective, the mayor and city council guaranteed APA ownership because the police union's political action committee is the single greatest contributor to city council candidates during campaign season, and because the mayor needed the endorsement of the Combined Law Enforcement Associations of Texas (CLEAT) for his subsequent campaign for Texas attorney general. The editor of the local newspaper recently called the APA Austin's "most powerful political force." CLEAT staff aggressively lobbied the mayor and city council to support the contract, donated unprecedented amounts of money to city council campaigns, and actively supported the mayor's unsuccessful bid for attorney general.

In 2002, when the city council debated changes in the city charter that would place the civilian review process under the city council instead of the city manager, the APA and CLEAT returned to battle mode. "We're going to war over this deal," declared union president Mike Sheffield. Again the police union used its political weight to convince the city council that the CRP should remain under the complete control of the city manager instead of becoming an independent body.

The principles of trust, respect, cooperation, and communication are frequently examined without regard for one of the most important participants in the process: the public. Successful policing requires a close working relationship among the police, management, and the public. The four principles must be real, not just words on the page. Members of the Austin public who have remained informed about the process feel



left out. Maybe the police union's relationship with the city exemplified those four principles, but the process did not respect the public as a stakeholder. The Austin system was initiated by a process that allowed the public to have a legitimate seat at the table—the POFG. That process enjoyed public confidence and produced a legitimate compromise. The system was then redesigned behind closed doors in meet-and-confer negotiations that excluded the public. The resulting civilian review failed to protect the public interest.

As other civilian review processes around the nation have shown, the public interest should not be feared but embraced. Where the police allow the public to have a serious role in the process, trust and respect are built in a real way. The public trusts the department because the department respects the public's right to have a stake in the system. Police officers who patrol the city in an environment of trust and respect can be confident that they have the support of the community. Mutual trust and respect improves the work environment for officers, and allows officers to sincerely improve their force.

If the public is included in the four principles of trust, respect, cooperation, and communication, then the principles are real. As long as the CRP excludes and disrespects the public interest, the principles are a false illusion—just empty words on the page designed to comfort the blind.

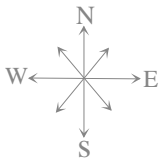
Will Harrell is the executive director of the Texas ACLU. Ann del Llano and Scott Henson, from the ACLU of Texas Police Accountability Project, contributed to the article.

FOR MORE INFORMATION ON THIS CHAPTER

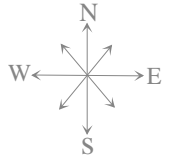
Proponents of the Austin Police Civilian Review Board can be located online at www.aclutx.org.

For a chronological newspaper account of the events in this case study, go to the Austin American Statesman at www.newslibrary.com/sites/aasb.

- "Task force discusses authority over police," by Bib Banta, September 22, 1999.
- "Police review plan takes shape," by Jason Spencer, November 18, 1999.
- "Police oversight group likes San Jose model," by Jason Spencer, December 21, 1999.
- "Focus group to suggest hiring police auditor," by Jason Spencer, January 11, 2000.
- "Police oversight group puts together proposal," by Jason Spencer, March 28, 2000.
- "Citizens and police: The plan takes shape," by Staff, May 22, 2000.
- "Police plan a result of trade-offs," by Jason Spencer, May 30, 2000.
- "Police agree to new citizen panel," by Jonathan Osborne, February 9, 2001.
- "Police contract faces new hurdle," by Jonathan Osborne, February 14, 2001.
- "Austin police start voting on long-debated contract," by Jonathan Osborne, March 1, 2001.
- "Police vote today," by Jonathan Osborne, March 7, 2001.
- "Finding some balance as police monitor," by Susan Smith, November 3, 2001.
- "Police monitor finalist to face grilling," by Leah Quin, December 2, 2001.
- "Monitor finalist get taste of job," by Stephen Schiebal, December 4, 2001.
- "Public sits out interviews of police monitors," by Susan Smith, December 5, 2001.
- "Manager leaving behind a city in economic and political flux," by Leah Quin, Stephen Scheibal and Kelly Daniel, January 9, 2002.
- "Austin police union berates City Hall," by Jonathan Osborne, January 10, 2002.
- "Battle at city ballot's bottom," by Stephen Scheibal, February 25, 2002.
- "Contested revisions may kill new police oversight system," by Jonathan Osborne, March 5, 2002.
- "Sides in police oversight debate vie for public attention," by Alex Taylor, March 7, 2002.



- "Police monitor change rejected," by Stephen Scheibal, March 20, 2002.
- "Police call became a tragedy that should never have been," by Susan Smith, June 12, 2002.
- "Test for police monitor," by Staff, June 12, 2002.
- "Union chief is back on beat," by Claire Osborn, June 22, 2002.
- "Officer won't be charged in death," by Jonathan Osborne, June 27, 2002.
- "Bringing police, community together," by Staff, July 8, 2002.
- "Put differences aside and let police monitor do her job," by Staff, July 8, 2002.
- "Police monitor says she's ready to serve," by Tony Plohetski, August 18, 2002.
- "Police monitor logs 168 complaints against Austin police officers," by Tony Plohetski, October 5, 2002.
- "Police panel hears concerns about shooting," by Claire Osborn, October 8, 2002.
- "Inquiry in police shooting advised," by Tony Plohetski, October 11, 2002.
- "On chief's five-year anniversary, police face high profile cases," by Tony Plohetski, October 13, 2002.
- "Officer regrets life lost but not shooting," by Tony Plohetski, October 17, 2002.
- "Dallas firm hired for police inquiry," by Staff, November 8, 2002.
- "Police monitor, union, city in tense marriage," by Staff, November 16, 2002.
- "Police shooting inquiry is halted," by Tony Plohetski, November 27, 2002.
- "Police monitor says 1st year was a success, despite early challenge," by Tony Plohetski, January 9, 2003.
- "City gets authority in police investigations," by Tony Plohetski, March 27, 2003.
- "Funeral rouses grieving, inquiries," by Erik Rodriguez, Steven Kreytakan and David Hafetz, June 19, 2003.
- "Through investigation needed to unveil truth behind police shooting," by Staff, June 21, 2003.
- "FBI to look into fatal shooting from 2002," by Anita Powell, June 24, 2003.
- "Police monitor quits for law job," by Monica Polanco, July 18, 2003.
- "Exit of police monitor provides a window for review," by Staff, July 20, 2003.
- "Review panel hears man's account of stop by police," by Jennifer Barrios, August 5, 2003.
- "Raises for fire, police in doubt," by Jonathan Osborne and Stephen Scheibal, August 15, 2003.
- "Citizen panel seeks review of profiling complaint," by Erik Rodriguez, August 16, 2003.
- "Austin deserves strong police monitor, review panel," by Staff, September 2, 2003.
- "City report in King death kept secret," by Tony Plohetski, September 19, 2003.
- "Secrecy on report perplexes officials," by Tony Plohetski, September 20, 2003.
- "Public confidence erodes as long as report kept secret," by Staff, September 23, 2003.
- "Secrecy a topic in police, city talks," by Tony Plohetski, September 24, 2003.
- "Best way to honor police officer: Release investigation report," by Staff, September 26, 2003.
- "Even in tough budget times, it pays to wear the blue," by Rich Oppel, Editor, October 5, 2003.
- "Council mulls police contract," by Tony Plohetski, March 26, 2004.
- "Reviewer supports officer in King case," by Tony Plohetski, April 17, 2004.
- "Increase use of force training, Austin police urged," by Tony Plohetski, October 29, 2004.
- "Unequal Force," by Erik Rodriguez and Andy Alford, November 28, 2004.
- "Police message from club fire released," by Tony Plohetski, March 5, 2005.
- "Knee: Communication vital after slaying," by Tony Plohetski, June 15, 2005.
- "Austin leaders trust in chief," by Tony Plohetski, June 18, 2005.
- "Austin's white leaders shouldn't turn away from this tragedy," by Alberta Phillips, June 25, 2005.
- "Officer in Sophia King shooting will not face federal charges," by Tony Plohetski, July 29, 2005.
- "Clergy call for more open Police Department," by Tony Plohetski, August 4, 2005.
- "Austin's police monitor resigning," by Tony Plohetski, August 11, 2005.



Eastern Seaboard

Chapter 14

A PARTNERSHIP AMONG THE STAMFORD, CONNECTICUT MAYOR, THE POLICE CHIEF, AND THE POLICE ASSOCIATION TO IMPLEMENT CHANGE IN THE DEPARTMENT

History of the Stamford Police Department

The City of Stamford hired seven patrolmen when the police department was formed on May 7, 1894. Stamford had a growing population of 15,000. Today, the city has a population of more than 120,000 in its 39 square miles. The present police department has nearly 350 personnel. Connecticut has only five cities with a population of more than 100,000, and all but Stamford have been losing population for decades. The daily population expands another 30,000 to 40,000 people with commuters who work in Stamford. Many Fortune 500 corporations are headquartered in the city.

The Stamford Police Association (SPA) was incorporated in 1941 as a fraternal organization. It is the recognized bargaining unit for more than 300 current rank-and-file officers of the Stamford Police Department. The SPA also represents more than 200 retired members.

Why was Stamford Chosen for the Case Study?

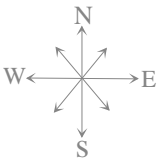
The project coordinators and advisory team members wanted to do a case study on a northeastern city that had a long-term traditional police labor-management relationship. Stamford is a progressive city with a diversified population. The new mayor wanted change in the police department and had hired a nontraditional police chief. The police association is politically active and a powerful force in the community.

The Stamford Police Department was selected because it appeared to have all four tiers of a principled relationship between management and labor. It was recognized that the mayor of Stamford, the police chief, and the police union were making a concerted effort to develop a relationship based on communication, cooperation, respect, and trust. This relationship has resulted in the city's ability to implement community policing programs without the normal labor-management conflict.

Management Perspective

Dean Esserman was the first person interviewed by the project coordinators. At the time of the interview, he had resigned as the Stamford police chief 4 months earlier to take a position as executive managing director at Thacher Associates, LLC, a New York City consulting firm. He has since resigned from Thacher Associates and accepted the position of chief of police in Providence, Rhode Island.

Chief Esserman believes he brought a new perspective to Stamford because he came from a nontraditional background for a chief of police. He had only 6 years of traditional law enforcement experience when Mayor Dannel P. Malloy appointed him chief of police.



Chief Esserman has a bachelor's degree from Dartmouth and a law degree from New York University. He started his career as an assistant district attorney in Brooklyn, New York, and not as a police officer. In 1987, he was appointed general counsel to the New York Transit Police (since merged into the New York Police Department [NYPD]) and served with William Bratton who was then the transit chief of police. Bratton later became police commissioner in Boston and New York City, and is presently the chief of police in Los Angeles.

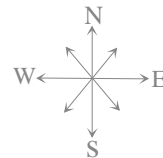
In 1991, New Haven, Connecticut elected its first African-American mayor. The political campaign centered on the soaring crime rate in the city and poor police-community relations. The new chief forced out all of the majors and commanders and hired Dean Esserman as an assistant chief to manage the day-to-day operations of the department. The chief and Esserman shared a commitment to community policing. Since Esserman was not a police officer, he had to attend the police academy. He believes his time in New Haven, including the mistakes he made, were an invaluable learning experience. The mayor was reelected on a promise to continue community-oriented policing. Esserman witnessed what could be accomplished when he empowered police district commanders to get things done, and if he brought the local community board members into the process by having them share the recognition of a safer community with the police district commanders.

Dean Esserman left New Haven to become chief of police for the New York State Metropolitan Transit Authority Metro North Railroad. In 1997, he was opening a new railroad police substation when he met Stamford Mayor Dannel P. Malloy. Malloy and Esserman had been assistant district attorneys in Brooklyn but had never met. Malloy had campaigned as mayor in 1995 on a platform to bring community policing to Stamford. The mayor was not satisfied with the performance of the police chief and recruited Esserman to take over. Mayor Malloy and Esserman became good friends and had a close working relationship.

It is Chief Esserman's opinion that community policing programs were originally driven by big-city mayors as a political issue identified by pollsters. These mayors then wanted popular police chiefs to implement the community policing programs, but the unions were never asked to participate. The mayors and police chiefs went directly to the media, churches, civil liberties groups, and the public, who saw themselves as disenfranchised, to market the new ideas in policing. Esserman was committed to including the rank-and-file officers and the union in the implementation of community policing in Stamford.

The SPA is a very powerful police union, and the union had been at war off and on with the city for a number of years during contract negotiations. Chief Esserman stated that when he arrived in Stamford, he found the department operating as it had for many years. The department had failed at effectively implementing new community policing programs. Previous chiefs had not participated in collective bargaining negotiations nor had they met with the union over issues prior to bargaining. Chief Esserman characterized himself as a "cops" chief and wanted to heal the wounds created between the union and previous chiefs. Esserman follows the advice of former NYPD Chief of Detectives Al Seedman who stated, "You cannot lead cops if you do not love them."

Chief Esserman said that Mayor Malloy gave him the leeway to make changes and to work with the police union. He found that the department was dispirited and leaderless. All police service was delivered from police headquarters. He saw the department as having great players that had been without a coach for too many years. As the new chief, he wanted everyone empowered to make suggestions for changes. He wanted the officers of all ranks to get their hearts back into the profession.



Stamford had been the scene of turbulent labor relations during the previous few contracts. The union had erected billboards on Route 95 that stated, "Welcome to Dodge City." The union's television commercials portrayed the city as ridden with crime. One of his tasks was to get involved in collective bargaining negotiations. The chief wanted to hire more civilians for administrative tasks at the department and to be able to bring in outside deputy chiefs if he felt it was necessary. The union agreed, but Esserman decided to select one captain and three lieutenants from SPD as the four new deputy chiefs.

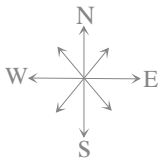
Chief Esserman made other decisions that fostered a better relationship with the police union and the rank-and-file officers. He purposely did not hire consultants to tell him how to improve the department. One of the mistakes he made in New Haven was not searching out the leaders in the department early enough. It was evident to him that SPD's 12 lieutenants were the potential leaders in the department. He asked them to work overtime to rework the department. Regular staff meetings were started for the first time in years, and every morning there was a meeting that included the command staff and the union president. These officers were left to figure how best to police the city. Trust and respect came about because there were no secrets or surprises according to Esserman.

Cooperation between police management and the union resulted in the parties issuing a joint statement condemning racial profiling. The chief and the union held a joint press conference on Martin Luther King, Jr. Day and the chief and union president signed the resolution. The chief wanted the community to see that police management and the police union had a joint responsibility to represent and serve the community.

He invited the union to participate in policy making. Although he left the department before he could suggest this idea to the union, Chief Esserman felt that the union should administer and be responsible for the Field Training Officer program. He believed that veteran officers are the artisans who know best how to train the apprentice recruits. He wanted the union to have ownership in the profession.

What does Chief Esserman see as a major stumbling block for chiefs to implement the changes he brought about at Stamford? He believes that traditional police chiefs give the unions only token involvement in policy making, and many chiefs have a strong dislike for police unions. It is Chief Esserman's opinion that most chiefs do not understand the rank-and-file officer much less the police union. Chief Esserman sees many of the traditional police chiefs spending their careers climbing the ladder. Their daily struggle is to keep their appointed positions as chiefs for long as they can. These chiefs see the rank-and-file officers and the police union as a threat to the chief's job security. If the chiefs would develop a level of trust with the officers and unions, they would be able to avoid many labor-management conflicts.

Finally, Chief Esserman has a solution to the high turnover of police chiefs in the United States. The short tenure of police chiefs creates instability in the department and the community. The appointment of police chiefs will continue to be political in nature because chiefs will continue to be appointed by politicians or city administrators appointed by politicians. Many chiefs leave because the wages and benefits are not comparable to the private sector. Chief Esserman recommends that communities approach the hiring and retention of police chiefs the way universities hire and retain professors and coaches. Most public universities have created endowed chairs funded by private donations. If cities recruited corporations to fund a foundation for the recruitment and retention of their police chiefs, the high turnover could be avoided in many communities.



Mayor's Perspective

In 1995, Mayor Dannel P. Malloy was elected on a platform to promote a safer city through community policing. The mayor admitted that labor-management relations between the city and police union were volatile and disruptive prior to 1995. Both sides were wrong in their approach to resolving issues. The union's billboard, "Welcome to Dodge City" hurt the city's image. A police officer was arrested and fired for harassing the mayor on the telephone. Malloy felt that the police department was out of control and needed change. The mayor also believed that many of the younger officers wanted to modernize the department.

Mayor Malloy wanted to develop a relationship based on communication, cooperation, respect, and trust with the police union. He recognized that the mayor and the union would not always agree, especially over economic issues, but he felt the parties could agree to disagree without damaging their relationship. While most police officers would not come directly to the mayor to discuss issues, he had an open-door policy.

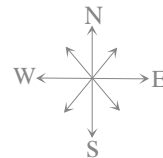
After the mayor was reelected in 1997, he recruited Dean Esserman as the new police chief because he believed he was the right person for the job. Mayor Malloy wanted community policing to be a success, but he felt that 80 percent of the police force was opposed to change. Since Esserman was a supporter of community policing, and he was committed to working to build respect and trust with the rank-and-file officers, the mayor believed Esserman could change the department's culture. The mayor gave the new chief the authority to make the necessary changes. The mayor wanted a new philosophy, and not just a new program.

Stamford has a 40-member board of representatives. Mayor Malloy knew the new chief would quickly learn that politics is an important part of the process in making changes. Chief Esserman would be required to find ways to give members of the board of representatives ownership in community policing programs in their districts. Mayor Malloy saw that change had to take place in small steps that built trust and communication and that the chief had to create a climate for change in the department and the city.

Mayor Malloy noted that Chief Esserman really loves cops. He believed the chief was genuinely interested in what the police union had to contribute. The chief's decision to empower every officer to discuss issues opened the door to improving labor relations. The mayor wanted a chief who really understood police officers. He needed a chief who could put the right officers in the right jobs. The mayor saw himself as the cheerleader of the city, and the mayor needed a police chief who could speak positively about the city. Mayor Malloy believes the success Chief Esserman had in Stamford was directly related to the chief getting the officers to embrace community policing as a base philosophy.

Union Perspective

Joe Kennedy is a sergeant with 20 years of service on the Stamford Police Department. He had been president of the Stamford Police Association since 1999. From the late 1980s until 1995, the union was involved in almost constant labor turmoil with various mayors and police chiefs. The union itself suffered a high turnover in leadership. The union hired a political consultant during this period to produce a public education campaign. The campaign was negative at times and was intended to embarrass the mayor. The police union contract was settled in 1995, but the contract included concessions on sick leave and health insurance that the union believes still haunts it to this day.



In 1995, the union endorsed Dannel P. Malloy for mayor. The police union contract expired in June 1997, and the city and union were at impasse when Mayor Malloy appointed Dean Esserman as chief in early 1998. Initially, the union and the new chief faced off over unsettled contract issues. After the contract was slated for arbitration, a settlement was reached. Chief Esserman was able to reorganize the department into five patrol districts. Each district would be supervised by a lieutenant, and the lieutenants would be allowed flex time to work the hours they felt were needed. The chief also gained the authority to appoint deputy chiefs from outside the department. These were controversial issues for the union. The union believes it received poor raises in this contract. The union did receive a “holiday credit” in pensions that was popular with the officers. The contract was ratified by only 12 votes.

Sergeant Kennedy recalls two issues that caused the chief and the union to get into a conflict after the contract was settled. First, Chief Esserman had wanted to create a bike unit and the union opposed it during contract talks. Later, the union approached the chief about agreeing to the bike unit if the chief would agree to seniority changes. The chief refused to address it.

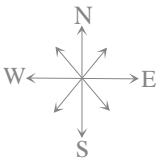
Second, Chief Esserman decided he would survey the officers in the department about what they wanted on the job. In unionized police departments, a strong union will generally oppose such a survey because the union believes it undermines the union’s right to speak for the members. Three of the survey questions were issues the union felt were contractual concerns. The union’s board of trustees felt the chief committed an unfair labor practice by going around the union. The union sent its members a memo advising them to answer the survey except for the three contract questions. Kennedy said he and Chief Esserman “had words” and did not communicate for a month.

After the survey dispute settled down, the union decided to work with the chief on the bike squad he wanted. While the general membership did not feel strongly about the creation of a bike squad, the union was authorized to work it out. In this spirit of cooperation, the chief agreed to support the union during contract negotiations on issues to improve the department. The union believes Chief Esserman kept his word.

During contract negotiations in 2001, the union saw the chief politicking the five police commissioners to educate them about the need to improve police pay, medical insurance, and the pensions. The chief had committed to not bring a concession list to the bargaining table to avoid having his wish list bog down contract talks. With the union having to negotiate only with the city over economics, it expedited bargaining. Mayor Malloy had his budget and salary limitations, but the union appreciated Chief Esserman’s effort to settle the contract. The level of trust, respect, cooperation, and communication greatly improved between the chief and the union after this contract was settled.

Sergeant Kennedy says the chief knew the union wanted a better public image. Chief Esserman kept the union informed on all public events. The union and the chief appeared jointly at many community events like ribbon cuttings and park openings to put a “face” on the officers. This joint cooperation sent a positive message to the community that the union and the chief wanted Stamford police officers to be seen as caring about the community.

The union knew the chief wanted change. The union supported the chief in increasing the number of sergeants and lieutenants. The union and chief agreed that many of the problems created on the street could be resolved if adequate numbers of supervisors were available to assist officers. Before Chief Esserman and the union started working together, the department’s supervisors were overburdened and lacked authority to take responsibility for decisions. The union believes Chief Esserman gave supervisors ownership in their profession.



Communication between the chief and union helped develop mutual trust and respect. Chief Esserman committed to keeping the union informed of what was happening in the department. Kennedy reported that he was never blindsided by the chief. The union was never surprised by what happened at a staff meeting because the union was always invited to attend. This access to policy making reduced rumors because the union always knew first hand what had occurred.

Sergeant Kennedy saw the disadvantages and advantages of Chief Esserman having never served as a patrolman. The disadvantage was that Chief Esserman often went outside the chain of command and gave some officer a dressing down when it was actually the job of the officer's supervisor. He felt Esserman lacked the patience at times to deal with the political realities of being chief of police. The chief's Brooklyn prosecutor attitude was often brash and the chief shot from the hip with comments that often alienated politicians.

The advantages were that Chief Esserman was quick to agree to common-sense changes, like changing the stripes on the uniform, wearing baseball caps, and the wearing of overalls on duty. The chief recognized immediately that overtime pay drives the department. Salaries for Stamford police are not sufficient to maintain a middle class lifestyle because of the high cost of living in the city. Kennedy noted that the mayor and chief supported officers working off duty on road projects where the utility companies paid the tab.

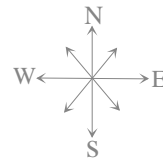
The union and the mayor have a respectful relationship. Sergeant Kennedy believes Mayor Malloy will work with the union on issues of mutual concern. The union sees the 40-member board of representatives as too large and often lacking interest in the police department. The union is trying to develop better relations with the board of representatives, and the union reports that the board of trustees has formed a subcommittee to investigate the problems with the police radio system.

Principles Identified

The mayor was elected on a platform to implement community policing, and appointed a new police chief from outside the department who had never served as a patrolman, and had only 6 years of traditional law enforcement experience as an assistant chief and chief. The mayor wanted change and felt he could not get it with a traditional chief. The mayor and chief develop a personal friendship and have great respect for each other. The mayor trusts the chief to get the changes needed through cooperation with the officers and the union.

The new chief was a brash and outspoken proponent of community policing and saw the department as needing change. He was willing to push and shove to empower the officers to re-create the department. The chief was willing to listen to the real department leaders and actually follow up on their ideas. The chief did not want any secrets or surprises and he intentionally included the union in his policy-making decisions. His ability to communicate with the officers raised their trust level in him as chief. The chief and the union found they could agree to disagree without being disagreeable.

The union had been fighting with previous mayors and chiefs for more than a decade. The battles were hurting the morale and efficiency of the department and, in turn, the community was not receiving the kind of police service it warranted. The union leadership wanted to change the department and improve its image in the community. The union finally found a chief who was not encumbered with the old ways of thinking. This allowed the union and the chief to make mutually agreeable changes that went a long way toward improving the morale and efficiency of the department. The chief and the union worked together on issues and had respect for each other.



Postscript: Dannel P. Malloy is still the mayor of Stamford. Michael Merenda is the new president of the police association. After Chief Dean Esserman resigned to go into the private sector, the mayor appointed a veteran Stamford officer, Louis A. DeCarlo, as the new police chief.

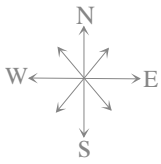
Interviews

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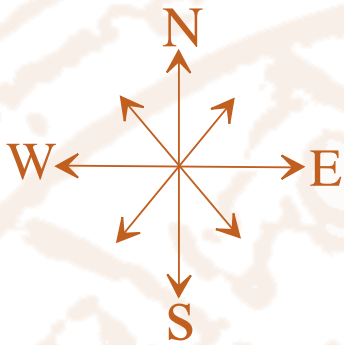
FOR MORE INFORMATION ON THIS CHAPTER

Related web sites about Dean Esserman:

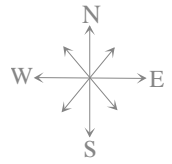
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www.cnn.com.
- “Stamford may take tougher stance of profiling,” The Hartford Courant, February 27, 2000.
www.ctnow.com.
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archive.aclu.org.
- “A LEN Interview with Police Chief Dean Esserman of Stamford, Conn.,” Law Enforcement News, Vol. XXVI, No. 530, March 31, 2000. www.lib.jjay.cuny.edu.
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www.abc6.com.
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www.policepay.net.



SECTION SIX: ONE POLITICALLY STORMY ISSUE: RACIAL PROFILING



Chapter 15

FULL SPEED AHEAD: SEIZING THE INITIATIVE ON RACIAL PROFILING

By
Mark Alley, Chief of Police
Lansing (Michigan) Police Department

Whether mandated by law or initiated administratively, collecting demographic data on contacts between the police and the public is stressful on any law enforcement organization. A cooperative plan between labor and management is essential for a successful outcome. Contrary to popular belief, a police department not only can survive demographic data collection, it can thrive under it. Dealing with the issue of racial profiling does not need to be a crapshoot. While positive results cannot be guaranteed, the following do's and don'ts will put your organization in the best position for success.

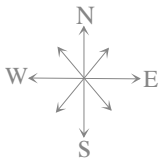
In July 2000, the Lansing (Michigan) Police Department (LPD) began an 8-month process preparing for demographic data collection by police officers during traffic stops. This process included hiring two renowned consultants who helped the police department identify key issues, develop policy and procedures, and provide training on the issue of racial profiling. In February 2001, officers began to collect demographic data on their traffic stops. To date, four 6-month analyses have been conducted on the data. All analyses concluded that there is no evidence to suggest any pattern of racial profiling by LPD officers. From our experience, we have identified eight steps that an organization should follow to deal effectively with demographic data collection on traffic stops.[§]

§ All of the supporting documentation for the "Lansing Model on Traffic Stop Data Collection" can be viewed and downloaded from the official Lansing Police Department web site at www.lansingpolice.com. Click "Special Efforts" then click "Profiling Project" to review the Lansing Police Department Policy Paper, Traffic Stop Procedure, all 6-Month Data Analyses, 1-Year Data Analysis, and 2001 Citizen Satisfaction Survey.

Step 1: Recognize That Profiling Occurs and Is a Societal Problem

Race is just one of many factors we use to make initial judgments about people. Gender, ethnicity, height, weight, dress, perceived economic status, expression, voice tone, and posture are other factors we use to make split-second judgments. People in sales try very hard to look, sound, and act like the trustworthy person with whom you would like to do business. They are not only selling their product, they are selling themselves.

In law enforcement there are appropriate situations in which to use race and other demographic factors to identify criminals. Putting together partial descriptions of people involved in criminal activity that involve race, gender, age, height, and weight has been a cornerstone in investigative follow-up. Using these demographic factors alone as a profile without the supporting crime analysis to identify criminal activity is unconstitutional. It is an unfortunate reality that this kind of decision making can and does occur in our society, even in law enforcement.



Step 2: Recognize that Law Enforcement Represents Everyone in the Community

The vast majority of citizens support the police. The police have a social contract wherein they garner their power from the people. Law enforcement is charged with keeping the peace, enforcing laws, and helping to solve problems to improve the quality of life. Everyone wants to be treated fairly. They do not want to be treated differently based on how they look. Unfortunately, a majority of the people in America believes that law enforcement officers are involved in racial profiling. In a 2001 Gallup poll, 83 percent of Blacks and 55 percent of Whites believed that racial profiling was widespread in law enforcement.[§]

§ See www.gallup.com.

§§ The paper is available on the Lansing Police web site at www.lansingpolice.com, under the menu item “Special Projects” followed by “Profiling Project”.

Unfortunately, the gap between Blacks and Whites of perceived fair treatment by law enforcement has worsened since the 1999 poll where Blacks reported significantly higher fair treatment. Our social contract obligates law enforcement to treat people fairly and to demonstrate to the best of its ability that people are treated fairly.

As in so many situations, perception is as important as reality. Having this negative perception hanging over law enforcement erodes public confidence and decreases employee morale. The ability to defend the organization with data is the most effective way to deal with the issue. If data indicate that inappropriate profiling is occurring, the organization is in a position to identify the scope of the problem and take appropriate measures to correct it. Either way, data collection moves the issue away from conjecture and into reality.

Step 3: Assemble an Advisory Team

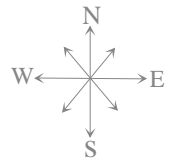
For a traffic-stop demographic data collection to be successful it is critical that all the stakeholders are represented early in the process. Ideally, an advisory team consisting of union leadership, management, and civic leaders should guide the process. Because of the delicate nature of this topic, we highly recommend hiring an outside consultant to oversee the project. The project will require community input, policy development, training, and data analysis; therefore, it is critical to have a respected third-party consultant who can provide these services.

The topic of racial profiling is an emotional one for many people. At least to some degree, it is critical that the members of the advisory team can find agreement on the issues listed in Steps 1 and 2. Recognizing that profiling is a natural occurrence in human beings and that there are race relations issues in our country are concepts that few people will dispute. The degree to which inappropriate demographic profiling occurs in any police agency is purely subjective without any objective data available to make conclusions. As such, each advisory team member will have his or her personal feelings on the degree that this is an issue at any specific agency.

Step 4: Obtain Input from the Organization and Citizenry

In Lansing, we hired Dr. David Carter of Michigan State University and Dr. Andra Katz-Bannister of Wichita State University to act as the project coordinators. We organized a series of meetings with officers and community members to get their input and concerns about the issue. The consultants wrote a policy paper answering the concerns and giving direction to the organization.^{§§}

The consultants met with approximately 30 police officers and 60 community members. In summary, the officers stated that they did not racially profile minorities. The officers felt that they are just trying to do their job and they resented the fact that they were being accused of being biased. The majority of the community members felt that officers regularly racially profiled minorities. Some citizens stated that they



feared for their children's safety at the hands of the police if they were to drive after dark. Many of the citizens complained that officers would refuse to tell them why they were stopped, which led them to feel violated. It became abundantly clear that there was a lack of communication between some officers and citizens during traffic stops.

Step 5: Develop the Data-Collection Method and Traffic-Stop Procedure

The advisory team decided to focus the demographic data collection on traffic stops and not on other forms of police encounters. There were two reasons for this. First, it was important to limit the amount of time an officer spent collecting the data. Since officers have a finite amount of time to do their jobs, it made good managerial sense to gather enough data to look at the issue while not tying up the officers with unneeded paper work. Second, the issue of racial profiling has been viewed nationally as a traffic-stop issue. The advisory team determined that a traffic stop is the most discretionary activity an officer performs. If an officer is making inappropriate judgments about people during a traffic stop, it is likely that he or she is making the same inappropriate judgments during other job functions. Likewise, if an officer is making unbiased judgments about people in traffic stops, it is likely that he or she is doing the same during other duties.

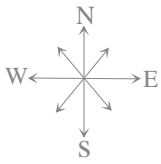
The advisory team also decided that officers would not ask the stopped person clarifying questions about his or her demographic data primarily because it would offend many people. In addition, the issue at hand is the officer's perception. As long as the officer makes a good-faith effort to complete the form to the best of his or her ability, it will be a moot issue.

One issue that the advisory team debated was whether the officer should record the demographic data that he or she perceives the driver to be before making face-to-face contact. It is true that many times an officer will not know the race or gender of the person he or she is stopping before the stop is made. The problem with the pre-stop demographic identification method is that the officer is interjecting the variable of race and gender into the decision to make the traffic stop. This is exactly what we are trying to prevent. We want officers to make decisions based on a person's behavior, not on appearance.

Demographic data were not gathered on passengers for many of the same reasons that data are being collected only on traffic stops. The advisory team looked at the cost versus the benefit of requiring officers to gather these additional data and decided that the additional information would not enhance the project substantially. Gathering the additional data would add undue time to the traffic stop and unneeded paperwork for the officers. The quality and quantity of the data analysis that was completed at the 6-month and 1-year reports confirmed this decision.

The team developed a 15-question form for gathering demographic data from a driver during the traffic stop.[§] The one-page bubble form is slightly smaller than a traffic ticket. It takes an officer approximately 30 seconds to complete. Not only does the form gather demographic data about the driver, it also records the reason for the stop, outcome of the stop, whether a search was conducted, the legal authority of the search, and the outcome of the search. The officer's supervisor reviews and initials the form at the end of the shift, and the forms are scanned and the data are stored for analysis.

§ The procedure is available at www.lansingpolice.com under the menu item of "Special Projects" followed by "Profiling Project" then "Traffic Stop Data Collection".



The team also developed a procedure for collecting demographic data during a traffic stop.[§] It was clear in community meetings that people were dissatisfied when they were not told why they were stopped. Unless there are extenuating circumstances, the procedure requires officers to introduce themselves and immediately advise the person of why he or she was stopped. This fact alone has increased public confidence during traffic-stop encounters.

§ Ibid

§§ The survey is available on the Lansing Police web site at www.lansingpolice.com, under the menu item “Special Projects” followed by “Profiling Project” then “2001 Traffic Enforcement Citizen Survey”.

§§§ The paper is available on the Lansing Police web site at www.lansingpolice.com, under the menu item “Special Projects” followed by “Profiling Project” then “Profiling Policy Paper”, figure #1, by Dr. David Carter and Dr. Andra Katz-Bannister.

§§§§ Ibid, “Traffic Stop One Year Analysis”, pg. 6

Six months after implementing this new procedure, we replicated a citizen survey conducted in 1999 of citizens who received traffic citations. In the 1999 survey, 60.5 percent of citizens reported they were very satisfied or satisfied with their encounter with the police officer during a traffic stop. In 2001, 72.6 percent of respondents reported they were very satisfied or satisfied. Increases in satisfaction levels appeared across all ethnic groups.^{§§}

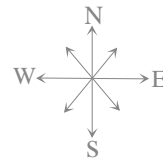
Step 6: Train the Officers and the Community

Training is one of the most critical steps in the process and easily the most overlooked. Organizations need to put themselves in the best position to succeed. To do this, officers needed to understand what racial profiling is and how to perform legal and ethical traffic stops. Having consistent guidelines for officers to follow in making traffic stops increases the public's confidence in the organization. The following is a suggested outline to follow in a training session:

1. Define racial profiling.
2. Define Pretext Stops and associated case laws.
3. Define a Terry Stop and associated case laws.
4. Review Fourth Amendment search warrant requirements.
5. Describe the continuum of racial profiling.^{§§§}
6. Illustrate public concern over racial profiling using Gallup polls.
7. Identify racial profiling as a national issue.
8. Discuss the history of profiling.
9. Discuss using crime analysis information about race along with other physical factors to identify suspects in crimes.
10. Discuss how the demographic data will be gathered and analyzed.
11. Train officers in the procedure they are to follow when conducting a traffic stop.

Officers will be uneasy about how the data analysis will affect them. They will be concerned that they will be unjustly labeled as a racial profiler with their name and picture splashed in the media. For the most part, these concerns are valid. The analysis of the data is problematic because it is almost impossible to determine the demographics of the driving population at any given time or place. Dr. Carter noted in the 1-year data analysis report that there is no universal standard of comparison. A conclusive judgment cannot be made about an officer's motivations simply by looking at his or her statistical behavior. “Rather, the data serve as a barometer to suggest if there are policies or practices which should be examined more closely to ensure that there is no discrimination.”^{§§§§}

Because of the obstacles associated with individual analysis of the data, the data should be analyzed for the organization as a whole. If officers are making traffic stops based on behavior and not considering what people look like when making their decisions on whom to stop, there is a good chance that the percentage of traffic stops will be similar to the demographics of the community. To increase the odds



of this happening, an emphasis should be placed on enforcing moving traffic violations, especially those violations that promote traffic accidents. By having officers concentrate on enforcing speeding violations and stopping drivers who disobey traffic-control devices, a much more representative portion of the population will be stopped. In general, pretext stops lend themselves to inappropriate use of demographic factors when deciding whom to stop.

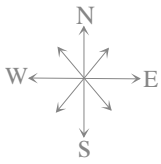
The training should also inform officers of the demographic make-up of their jurisdictions. Officers who work in demographically diverse areas will tend to overestimate the percentage of minority drivers in their assigned areas during their shifts. For instance, the Black population of Lansing, Michigan, is approximately 22 percent. With some exception, the Black population is spread fairly evenly across the city. I have heard numerous officers working the afternoon and night shifts state that they estimate the number of Black drivers in their area as 60 to 80 percent. Because Lansing is surrounded by suburbs, which are mostly White, it is literally impossible for any area in Lansing to be 60 to 80 percent Black. Using 2000 census data, a racial breakdown of the resident population was done for each of the 18 patrol areas in the city of Lansing. Officers tended to be surprised by how much they over-estimated the minority population in their patrol area. This is not to say that the officers are racist. A disproportionately high number of calls for service tend to be at lower income residences, and unfortunately this can have a disproportionate impact on minorities. Therefore, the officers perceive that their patrol area has a higher percentage of minorities because that is what they see. Conversely, the driving population is much more reflective of the census demographics than the calls for service. Once again, it is important that officers recognize how their subconscious can affect their decision making.

After training the officers, the same training should be made available to anyone in the community who wants it, including the media. This is an opportunity to educate the public on issues involved in racial profiling and exhibit the organization's thoughtful proactive approach to dealing with the same. No matter how the data come out people will be inclined to accept that the organization is working toward dealing with this difficult societal issue.

Step 7: Gather and Analyze the Data

It is customary to see a decline in traffic enforcement immediately after instituting a data-collection instrument. The daily review of the data-collection instruments by first-line supervision is critical to deal with issues of productivity. Most officers will follow the procedure and collect the data to the best of their abilities. Some personnel will complete every form as either "other" or "not apparent" in terms of race. Issues like these need to be dealt with swiftly by management and labor leaders. The only thing worse than having a disproportionate number of any specific groups stopped or searched is lying on the data-collection instrument. To use an age-old analogy, it is the difference between a car crash and a plane crash: you can survive the car crash.

Having a third party professionally analyze the data is critical. Because there will be variations over time, we suggested collecting a minimum of 6 months of data before any analysis takes place. The more data that are collected, the less likely anomalies will affect the outcome. Another positive aspect about having a third party analyze the data is that it takes away many of the questions about improper manipulation of the data. The analyzed data should be put in a report form that is easily read by anyone.



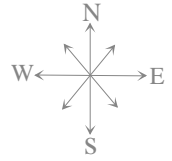
Step 8: Disseminate the Data Analysis Report

Many people and organizations will be interested in the data analysis report; therefore, it is important that a number of people are able to explain the process that the organization went through and the results of the data. The advisory team can work in this capacity. Once the team has discussed the results, the report should be disseminated to the officers, elected officials, and people who have followed the process closely. Members of the local Department of Civil Rights, NAACP, and American Civil Liberties Union should be given the report and an executive summary on the same day or just before the report is released to the media and general public. It is likely that the media will contact members of the aforementioned groups for comment and it puts the organization in the best position to control the story if a meeting takes place before media contact occurs.

As noted in the opening of this chapter, the LPD has had four successful traffic-stop data-collection analysis reports to date. The credit for this lies squarely on the dedicated men and women working uniformed patrol in the LPD. It is their decision making and professionalism that have been analyzed and evaluated. As chief of police, I could not be more proud of them.

Upon reflection, I am happy that I attended every training session for the officers and public for this project. At times it was uncomfortable, but I believe it was important for the officers and citizens to see my personal dedication to this project. I would encourage any other chief to do the same.

In hindsight, I underestimated the pressure that was being put on the union representatives by the rank-and-file. I should have spent more time with my union leaders during this process to get a better sense of the concerns they were hearing. Even though I spent hours attending shift briefings discussing the project and where it was headed, the union leadership was taking the brunt of contentious uncertainty. I would recommend sharing as much information as possible with officers throughout the process to lessen the fears of the unknown.



Chapter 16

Quis Custodiet Ipsos Custodes? THE ACLU ON RACIAL PROFILING

By

Will Harrell, Executive Director

The American Civil Liberties Union of Texas

"If you are a young African-American male in Texas, three things are certain: you will die, you must pay taxes, and you will be racially profiled."

—Representative Senfronia Thompson

Texas House Floor Speech on Senate Bill (SB) 1074

April 2001

"Racial profiling is wrong and we will end it in America"

—President George W. Bush

State of the Union Address

February 2001

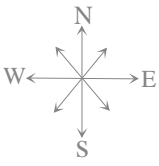
The American Civil Liberties Union (ACLU) is a national organization dedicated to the advancement of civil rights and to the protection of civil liberty for all people, including police officers. We make use of grassroots mobilization, the courts, the legislature, and the media to achieve this goal. Contrary to the concerted misinformation campaign of certain law enforcement union leaders, the ALCU is not anticop. We are only antibad cop.

Quis custodiet ipsos custodes? translates roughly to "who will watch the watchman?" This is an age-old question. History shows that the police are neither willing nor capable of policing themselves. That is why the ACLU insists on the enactment of measures by which the citizenry can watch those who watch us.

In the 77th Legislative Session, the ACLU of Texas, joined by the Texas League of Latin American Citizens (LULAC), the Texas branches of the National Association for the Advancement of Colored People (NAACP), and others, pushed to passage a comprehensive, and in some senses, a model racial profiling statute. Full implementation of this statute has encountered some obstacles, but in general, it has ushered in the successful beginning of police behavioral reform.

A Collective Call for Racial Profiling Data Collection

The perception that some officers are engaging in racial profiling has created a very real resentment and distrust of the police in communities of color. This is a serious public safety concern because effective policing will be achieved only when citizens believe that the police protect their safety and property as well as their civil rights. When law enforcement practices are perceived as racially biased, unfair, or disrespectful, communities of color are less willing to trust and confide in police officers, to report crimes that come to their attention, to participate in police problem-solving activities, to be witnesses at trial, or to serve on juries.



According to a 2000 Gallup Poll, more than half of respondents believed that racial profiling was widespread and 81 percent disapproved of the practice. And when broken down by the race of respondents, that rate is much higher: 77 percent of African-Americans believed racial profiling was common practice. More than half of African-American men between the ages of 18 and 34 believed they personally had been victims of racial profiling. Hence, approval rating of the police in communities of color is half that of white communities.

Anecdotal evidence of racial profiling abounds. At the ACLU of Texas, we regularly receive such complaints. Racial profiling has been part of the national public discourse for several years, splattering the front pages of newspapers around the nation, and it has become more than a sound bite on television news programs. The *Oxford American Dictionary* actually now defines DWB as “driving while black or brown.”

ACLU detractors like Heather MacDonald overestimate us. (Heather MacDonald is the author of book, *Are Cops Racist? How the War Against the Police Harms Black Americans*.) The ACLU did not invent the notion of racial profiling. That racial profiling is a widespread practice and that it is immoral is a well-known fact in communities of color. Contrary to what Ron DeLord (president of the Combined Law enforcement Associations of Texas) likes to propagate, the ACLU does not pursue police accountability as a membership drive gimmick. Rather, we are simply responding to the pleas of people who fall prey to police tactics that defy constitutional norms of racial equality.

The Texas Statute

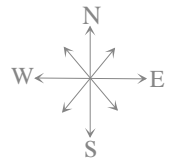
It is against this backdrop that the Texas Legislature passed SB 1074 sponsored by Senator Royce West (D-Dallas). Representative Senfronia Thompson (D-Houston) sponsored the House version. While the key sponsors were both African-American Democrats, the bill had bipartisan support. In fact, one of the House cosponsors was Representative Terry Keel who is a Republican, a former sheriff, and a former assistant district attorney in Travis County. The bill passed 28–2 in the Texas Senate, with 13 of 15 Republicans voting for it.

That racial profiling legislation is a Democrat agenda is an erroneous myth. To the contrary, the Democrats in Texas are often an obstacle to police reform because many are beholden to law enforcement unions in a way Republicans are not. Also, they have a greater fear of being labeled soft on crime. Republicans in districts with substantial minority populations feel the need to support racial profiling legislation to bridge gaps with that constituency.

The Texas racial profiling statute passed overwhelmingly. In some ways it is a model statute. But there are shortcomings, which like all legislation, is the product of compromise.

Perhaps the most significant aspect of the Texas statute is its definition of racial profiling. According to the statute, racial profiling is “law enforcement-initiated action based on an individual’s race, ethnicity, or national origin rather than on the individual’s behavior or on information identifying the individual as having engaged in criminal activity.” This definition effectively bars pretext stops.

Another important aspect of the Texas legislation is that reporting is local, rather than to some central bureaucracy in the state capital. All politics are essentially local. The Texas statute requires police agencies to report to their local governing body (i.e., city council or county commissioners). If a local community is dissatisfied with what the reports reflect, they can advocate for reform at their local government. Local governments, in turn, can attempt to influence the sheriff or chief with the power of the purse or otherwise. Citizens can influence a sheriff at the ballot box.



The statute requires each law enforcement agency in Texas to create its own detailed, written racial-profiling policy, which clearly defines racial profiling consistent with the statutory definition and prohibits the same. The policy must require training provided as a requirement of continued licensing by the Texas Commission on Law Enforcement Standards and Education, the state licensing board for law enforcement officers, which is charged with the task of creating an appropriate curriculum.

The statute also requires that each agency establish a disciplinary regime for incidents of racial profiling. Each agency must also broadly disseminate information to the community about the existence of the racial profiling prohibition and information about how individuals can file a complaint.

The statute also requires data collection, which is an essential component of monitoring and preventing racial profiling practices. Each agency must report the data and analysis to its local governing body annually. This aspect of the statute has two phases. In Phase I, beginning January 1, 2002, data must be collected only on stops in which a citation was issued or an arrest made. In Phase II, beginning January 1, 2003, police officers must collect information on every stop, regardless of whether a ticket was issued.

Phase I data collection requires the following:

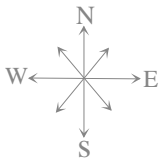
- The race/ethnicity of the individual
- Whether a search was conducted
- Whether the officer had voluntarily consent for the search
- Whether an arrest resulted from the stop.

Phase II data collection requires the following:

- The person's gender and race/ethnicity
- The traffic law or ordinance alleged to have been violated
- Whether a search was conducted
- Whether or not consent was given for the search
- Whether contraband was found during the search and the type of contraband
- Whether probable cause existed to conduct a search
- The specific facts supporting probable cause
- Whether an arrest was made, a citation issued, or a warning issued
- A statement or description of the offense charged, citation issued, or warning
- The address or approximate location of the stop.

The ACLU and our coalition partners were most interested in the so-called Phase II data from the beginning but accepted the two-phase model pursuant to good faith negotiation. What data could be more telling than that which reveals a racial disparity on occasions where an officer stops a driver or pedestrian, searches the person, and then releases him or her, unable to write up a citation? Chief Mark Alley of Lansing, Michigan is correct in saying that that collecting passenger and pedestrian data would be more costly (see Chapter 15). But the cost would be far outweighed by the benefit of that data.

Cleanup legislation proposed in the 79th Texas Legislature (2005) would have collapsed Tier 1 and Tier 2 data into a single set of data-collection requirements that would apply to all agencies, and centralize reporting at a state-run repository. Police unions and some police departments opposed that legislation, preferring the statute, apparently, as it was originally drafted.



§ The Fair Road Standard can be found at www.criminaljusticecoalition.org.

The most complicated aspect of the 2001 law pertains to certain options that departments have regarding audio and visual equipment. Regardless of whether it applies for state funds, as part of its mandatory creation of racial profiling policies, each agency is required to examine the feasibility of installing video cameras and transmitter-activated equipment in each vehicle and/or motorcycle regularly used in traffic stops. The law provides for the Department of Public Safety to give funding and/or equipment to departments in need.

The law's weakest aspect is a loophole that could allow local departments acting in bad faith to neither install cameras nor implement Phase II data gathering. Remarkably, despite this loophole, several departments began collecting Phase II data even before the statutory deadline.

Another weakness in the law is that it does not specify how departments are to analyze the data. There has been considerable debate about what is the most appropriate baseline to use. Anticipating confusion and inconsistency, the ACLU and the Texas Criminal Justice Reform Coalition (TCJRC) sponsored a seminar with the Law Enforcement Management Institute of Texas (LEMIT) to address this concern. Representatives from more than 200 local law enforcement agencies attended. The ACLU and its coalition partners devised and promulgated the Fair Roads Standard. While imperfect, we believe it is the most accurate and manageable method available to agencies with insufficient resources to conduct road surveys.

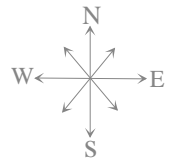
The Fair Roads Standard compares stop totals to a baseline derived from vehicle availability data in the Census. That data measures the extent to which different demographic groups have access to cars. Vehicle availability data are most appropriate as a baseline because the data are easily accessible and address gaps other baselines create.[§]

The ACLU and our partners initially sought a statute with more teeth. We hoped it would include criminal penalties for officers who engage in racial profiling. We would have liked to see a requirement that any evidence obtained as a result of racial profiling be suppressed in criminal proceedings, and a provision stating that no asset seized pursuant to a racial profiling incident is subject to civil forfeiture. But we feel satisfied that this statute, though compromised, is a positive first step along the long road to eradicating racial profiling.

Early Stages of Implementation

Any law that goes unimplemented is not worth the paper on which it is written; however, no new significant mandate like a racial profiling statute will be fully implemented overnight.

In the summer of 2001, the ACLU, with the TCJRC produced and distributed *Racial Profiling: What You and Your Community Need to Know*, a comprehensive manual on the new racial profiling law and how local activists can monitor the implementation at the local level. In January 2003, we published a subsequent implementation report, *"Prohibiting Racial Profiling: An Analysis of Local Implementation."* We reviewed 271 racial profiling policies from Texas sheriffs' and police departments for compliance with the requirements of SB 1074.[§] The report was released to the media a day before a Senate Jurisprudence Committee was scheduled to review SB 1074 implementation. The timeliness and quality of the report favorably positioned civil rights advocates to push for greater review and oversight of SB 1074 by the Senate Committee. This report has been used by activists and civil rights leaders across the state to help determine the quality of local SB 1074 implementation. As a result of the TCJRC/ACLU report, more than 12 policies have been changed and modified across Texas.



In addition to the implementation report, the coalition distributed thousands of racial profiling brochures (as well as ACLU “bust cards”) in Spanish and English all over the state. We have also conducted presentations on racial profiling in all the major Texas cities.

On March 1, 2003, the first racial profiling data-collection reports were due to local city councils and county commissioners as required under SB 1074, and we wanted to be prepared. That’s why, in October 2001, we began to convene a more formal working group to develop a specific strategy to respond to this new development. The working group consists of representatives from LULAC, NAACP, and the ACLU. We knew that some police departments would skew the analysis to hide signs of racially biased police practices. Aware of this, we knew we would have to promote our own baseline or standard for analysis among the public, community leaders, and in the media. After considerable research, we found that there is no clear national consensus among law enforcement, academics, or civil rights groups on a method for analyzing racial profiling data. There is no agreed-on baseline to compare data to establish the prevalence of racial profiling. During our research we also discovered that LEMIT, a state-funded training facility, was sending a professor around the state encouraging police departments to use a baseline, which collapses whites and Latinos together—making racial comparisons impossible.

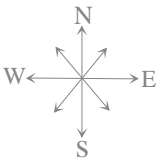
§ SB 1074, Articles 2.132, 2.133, and 2.134 of the Texas Code of Criminal Procedure.

Upon review of the available options, our working group developed a standard we support called the Fair Roads Standard. At the end of December, we mailed a letter to all Texas police chiefs and sheriffs informing them of our standard, why it’s the best available, and how to use it. Judging from the positive response we received in January 2002 after sending around a similar model policy, we expect a significant number of departments to adopt our recommendations.

To supplement this effort we organized a public forum to debate methods of racial profiling data collection, data auditing, analysis, and police responses called “Symposium on Data Collection, Analysis and Policy Responses” held at the University of Texas (UT) at Austin on Friday, January 31, 2003. We have already garnered the financial support and cosponsorship from ACLU, LULAC, LEMIT, and the UT Department of African and African-American Studies. This was a groundbreaking symposium where national experts, academics, Texas police executives, legislators, and community leaders gathered to discuss the practical implementations of racial profiling data collection and monitoring.

The law requires each police department in Texas to report annual figures of whom they stop and search to their local city council and county commissioners’ court who are supposed to review and monitor this information for racial profiling practices. The first year of data was released on March 1, 2003. This was intentionally done so that local governing bodies will be responsible for taking action on racial profiling as opposed to some distant and possibly vacuous statewide agency. This allows local community members to put pressure on the decision makers to whom they have most access: local officials.

This method of accountability and enforcement at the local level has some significant drawbacks. It requires local communities to acquire the ability to analyze and make sense of the figures and numbers that the police present. Often, this is a tall order for the mothers and fathers who lead the community organizations and neighborhood associations most vocal about racial discrimination in local policing.



To meet this local need, as well as to provide a statewide comparative analysis that's missing in Texas' law, in February 2004 and 2005 the Texas Criminal Justice Coalition published an analysis of local police departments' stop-and-search rates. We reviewed reports from more than 1,000 law enforcement agencies in Texas—the largest collection of racial profiling data anywhere covering millions of traffic stops. This allows local activists to gain a bird's-eye view of how their local police are using race in enforcement. They can then use this information to confront city officials and law enforcement and demand change.

The ACLU and our partners did not seek to pass the racial profiling statute for symbolic purposes. We identified a problem and created a tool for reform. We know racial profiling is a problem that exists. Any manager knows that to manage a problem, he or she must measure it. This statute provides police managers with a means to measure.

We fully anticipated that the data from the first round of reporting would illustrate the problem. But the objective is to see the numbers change over time for the better—for managers to manage the problem.

The initial data demonstrated that not all Texas departments engage in racial profiling. In some agencies minorities are routinely disproportionately stopped, while in others officers gave tickets at roughly the rates at which minorities in the jurisdiction have access to vehicles. Similarly, data on "consent searches," where an officer asks permission to search a car without probable cause, shows that some departments are much more likely to search minorities than whites, while others behave much more responsibly.

No Battle Stays Won

Police departments around the state are becoming accustomed to the process of data collection and reporting. Officers are adjusting to the process of obtaining the required information. Communities are comforted by this development. Yet opponents of antiprofiling measures suggest two ideas that are inconsistent with each other: 1) police do not engage in racial profiling, but 2) when they do, it's justified.

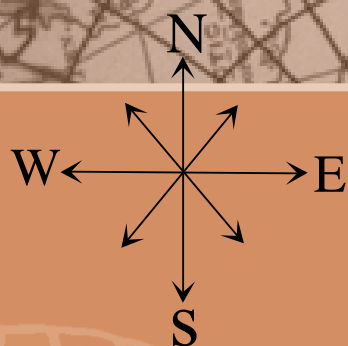
Neither idea has merit. In January 2001, Senator Royce West, the author of the Texas racial profiling statute convened a meeting of several police representatives and civil rights groups. He started the meeting by asking if anyone in the room was prepared to argue that racial profiling does not exist and is not wrong. Not a single officer raised his hand—not even Ron DeLord.

When I addressed the National Coalition of Public Safety Officers (NCPSO) in 2002, I posited the same question. The silence was deafening. The next year at the NCPSO convention in San Diego, the officers in attendance seemed more hostile to the notion, marking a shift in attitude.

The ACLU and our coalition partners will resist such efforts to roll back the racial profiling clock. If they continue to arise, communities of color will inevitably recoil from any attempted engagement with the police. This will usher in serious public safety issues.

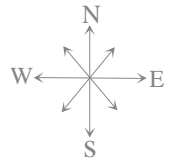
It is in the best interest of law enforcement to carry forward with the racial profiling data collection trend. To do otherwise would send the wrong signal to the public. If the data illustrate that racial profiling is not as pronounced as the subjective, anecdotal information currently indicates, the police will be uplifted in the eyes of the citizenry. If the data illustrate that there is a problem and the police leadership takes steps to remedy that problem, relations with the public will be enhanced. Simply by making the effort to address the concerns of the community regarding a perceived problem of racial profiling elevates community-police relations. It is a win-win scenario for police agencies.

Will Harrell is the executive director of the ACLU of Texas. Scott Henson, director of the ACLU of Texas Police Accountability Project, and Eva Dee Owens, coordinator of the Texas Criminal Justice Reform Coalition, contributed to this article.



PART THREE: Bridging the Differences



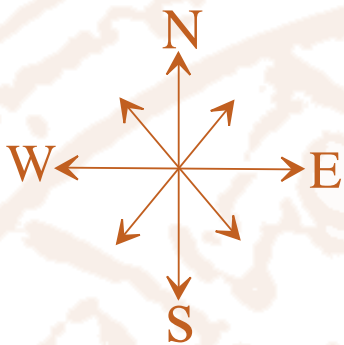


BRIDGING THE DIFFERENCES

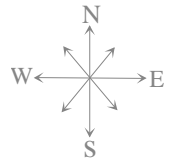
Part III is the picture of law enforcement union-management relations that suggests a relationship that is often suboptimal at best, and dysfunctional at worst. The spheres of influence (described in Chapter 1) affected by, and able to affect, law enforcement efforts are powerful forces with common and conflicting interests. Each pushes and pulls in ways that can hinder the effectiveness and threaten the stability of the union-management relationship. Consequently, managing change and even maintaining the status quo can be a challenge for administrations and unions alike.

Section 7, called *Staying on Course*, offers ideas on how law enforcement unions and administrators can work more effectively together to solve problems, plan new initiatives, and manage change processes that they deem necessary for their departments and their communities. The differences between union and management can be reduced through purpose and will, when helped along by attention to the ideas provided in this section.

- *Chapter 17* outlines a number of suggestions about specific things that chiefs, sheriffs, and union leaders can do to create and maintain a climate that supports more effective union-management interaction. This, in turn, can lead to more productive day-to-day operations as well as more widely accepted and enduring organizational change.
- *Chapter 18* features a nationally recognized political and media consultant taking a candid look at the media and the influence it has over public opinion while offering suggestions about how departments and unions can work with the media to advance their organizational goals during a crisis.
- *Chapter 19* is a reflection by the author on what management and unions in law enforcement intentionally and unintentionally do to limit trust, build hostility, reduce understanding, and undermine their relationships. The underlying theme is that most of these things are preventable.
- *Chapter 20* offers thoughts on how a union and police administration can develop a shared vision of a safer community, which is the key interest that both share.



SECTION SEVEN: STAYING ON COURSE: BUILDING EFFECTIVE POLICE LABOR-MANAGEMENT



Running Under Full Sail

Chapter 17

JOINT LABOR-MANAGEMENT COOPERATION TO IMPLEMENT COMMUNITY POLICING: TAKING POLICE UNION-MANAGEMENT RELATIONS AND COMMUNITY POLICING PRACTICES TO THE NEXT LEVEL

By

Dr. Michael Polzin

School of Labor and Industrial Relations

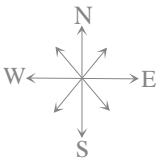
Michigan State University

Introduction

The implementation of community policing strategies is essentially a process of organizational change. The prescriptions for community policing may vary from location to location, but the same internal issues surround every attempt at change. Each of the department's internal systems, such as scheduling, information sharing, and problem solving, will need to be reviewed to ensure that they are aligned to support the changes, outcomes, and behaviors desired. Some of the systems will fall into the domain often referenced in collective bargaining agreements as management rights and are permissible subjects of bargaining, although police chiefs and sheriffs may be reluctant to embrace the involvement of union leadership in this task.

In a unionized agency, however, a joint labor-management approach can make the difference between marginal, episodic, and wide-scale sustained success. Unrestrained acceptance of, and active commitment to, community policing by those called on to carry out the changes requires the active participation of their elected representatives and mechanisms for harnessing the collective expertise and experience of patrol and midlevel command personnel.

There is nothing new about these concepts. As early as the 1930s, Joseph Scanlon introduced cooperative labor-management processes to successfully revive a failing steel mill. Since then, study after study has shown that when employees participate in planning workplace change, their acceptance of the change increases significantly as does their performance. Many public- and private-sector organizations make good use of these findings and create a variety of labor-management initiatives ranging from simply improving the effectiveness of their relations, to engaging in interest-based bargaining, to redesigning entire work systems. Law enforcement agencies, however, are slow to take advantage of the lessons learned by many practitioners and researchers that applying a genuine joint labor-management approach in a unionized organization can help to improve the effectiveness of the change.



The Environment for Joint Labor-Management Change

Not as unique as one might think

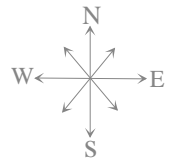
When assessing what it will take for them to achieve the changes that they desire, many organizations believe that the issues and concerns that they face are unique to them. Law enforcement agencies are no exception. It is true that each organization has certain attributes that make it unique, yet it is also the case that the problems encountered by one organization often look a lot like the problems encountered by many other organizations. This goes for law enforcement agencies as well: for example, procedures may be unwritten, poorly written, or outdated; mechanisms to measure or evaluate outcomes may be absent; problems may be addressed without using data to build understanding; information may not be widely shared; reward and recognition systems may not focus on the new behaviors required by the changes made; and so on. Sometimes the idea that their agency is not so unique comes as a surprise to union and management leadership and, perhaps is a bit of a disappointment. But the good news is that many of the same interventions that help organizations to change successfully also have application in law enforcement.

- Process improvement tools can help to improve the quality and effectiveness of police services and internal operations.
- Tools to engage in root-cause analysis can help to better understand the factors that contribute to problems and suggest options for solving them.
- Using data to understand a situation leads to better outcomes.
- Change will be more widely accepted if the interests of those affected are incorporated into the options proposed.

The labor-management environment

What may be unique in many agencies is the absence of the desire to improve the labor-management relationship and the reluctance of union and management leadership to step outside of their traditional roles to create and act on a common vision. Typically, lack of trust is one of the root factors.

The labor-management environment has other attributes that make it unique. Law enforcement unions typically are denied the right to strike by law, presumably in the interest of public safety. Unions representing many other public-sector employee groups are prohibited from striking as well. To offset the disadvantage in collective bargaining, many are empowered to seek binding arbitration when reaching an impasse in contract negotiations and in attempts to resolve contractual disputes and grievances. Even though it is essential in situations in which strikes are prohibited, binding arbitration is not a substitute for earnest negotiation. It is true that arbitration can allow the parties to agree to disagree about an issue, make their best case before an arbitrator, put the issue aside for the arbitrator's ruling, and move on to other things. Nonetheless, a pattern can develop in which tough decisions can be made only by a third party who does not have to deal with the consequences, thereby weakening the ability of union-management groups to address effectively some of the really contentious issues that come between them. Though problem solving can be a messy and conflict-laden experience, the process of building a shared understanding of a problem and developing options to address each party's needs is critical to building, maintaining, or reviving trust between union and management.



The environment within which law enforcement agencies and unions operate is very public and highly politicized. The work performed by patrol officers is very visible and often under scrutiny by some members of the public. Chiefs are appointed by elected officials (or by managers who are appointed by elected officials) and sheriffs are elected. Consequently, interest groups can put pressure on the chief or the agency and raise issues that have a profound effect on union and management, straining their relationship. Changes in elected leadership can also have an impact. Law enforcement organizations typically operate within a command-and-control management structure and work environment, exceeding by degree the authoritarian structure found in at-will employment relationships that apply to most managers and to employees in nonunion organizations. As a result, law enforcement agencies have a tendency to apply top-down organizational change models with little involvement from those below the upper management level. Interestingly, law enforcement unions display a tendency to acquiesce to this type of change process, although their open acceptance of the changes does not automatically follow. Instead, they will allow the change to be implemented and then grieve when one or more of their members perceive that they have been a victim of an injustice.

Perhaps a by-product of this is the absence of visible management concern for improving the lot of the rank-and-file within the organization. Often, management's focus on changes is external by involving the public, the business community, the municipal administration, and so on. Seldom is the need to improve the quality of the work experience of the rank-and-file a primary focus of the change. The vast majority of people come to work wanting to do a good job. Their satisfaction and the quality of their efforts is affected by the barriers that interfere with their abilities to perform their duties in an effective and appropriate manner as well as their perception of fair and respectful treatment from management.

Also absent is an explicit focus on improving labor-management relations by both parties. Perhaps the adversarial atmosphere implicit in much of day-to-day law enforcement activity carries over into the day-to-day labor relations arena and both parties come to accept that as an unchangeable reality. Some officers confide that their job requires them to be suspicious of and slow to trust others. Perhaps that carries over to dealings between union and management and an expectation that that is the norm.

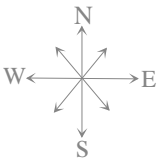
Mention of these attributes does not imply a criticism, but merely a reality. Nor am I suggesting that any of these attributes needs necessarily to change; however, they do add a dimension to the union-management relationship not found to the same degree in most other organizations, and they can have an adverse effect on attempts to engage in joint labor-management efforts.

Creating a Climate That Supports Joint Labor-Management Change

How does a department go about preparing itself for joint labor-management efforts? The environment itself gives some clues about what needs to be done to achieve success using a joint approach.

Respect the collective bargaining agreement and process

Picture this: A police chief attends a seminar on community policing and becomes interested in the possibilities. He reads some books and articles and becomes more convinced that this would be good for the department and the community. He has conversations with union leadership describing how all within the department will have to change to institutionalize community policing. Then comes the statement that they have to change the contract to build in additional flexibility for staffing the new program. At that point, union



leaders typically respond by shaking their heads, reacting loudly, or quietly folding up their papers, pushing in their chairs, and leaving the room.

A focus on the collective bargaining agreement (CBA) as the linchpin of a change effort is a mistake. The importance of the CBA to the rank-and-file cannot be overestimated and key elements, such as seniority provisions for assignments and promotion, are among those held most sacred. When management makes changing the contract one of the initial goals of change discussions or negotiations, it galvanizes opposition to the change and limits sincere exploration of ideas that might hold benefit for all involved. A more effective approach would be to consider the following ideas.

Begin conversations about change with questions rather than with answers

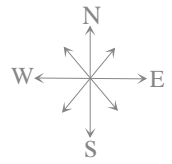
Many work environments place high value on people who have the answers and can make quick decisions. Unfortunately, not all issues confronting law enforcement organizations lend themselves to quick, easy answers. Many are complex and have multiple stakeholders whose needs must be considered to arrive at appropriate solutions that will be accepted by those affected and have the commitment of those called on to carry them out. Understanding is limited when the discussions center on answers, or positions and counterpositions. Real, shared understanding has a better chance to occur when the parties begin the process of change by asking questions such as the following:

- What factors are driving us to change or stay the same?
- How effective are the services we provide?
- Do our internal operations support the kind of outcomes that we want to see from our work force?
- What helps our ability to work effectively as union and management?
- What keeps us from working effectively together?
- What is our vision for our department and our community?
- What demonstrations of commitment do we need to go forward together?

The above are but a few of the questions that might be asked when beginning to talk about change. The important thing is to be open to the possibility that multiple options often exist for addressing problems confronting organizations.

Build agreements that address both management and union interests

Interests are the underlying needs, desires, or concerns that underpin the positions people take on issues and on the options that they choose when making plans or solving problems. Management and union members all have a stake in the outcomes of change. The degree of support that each offers to proposed changes hinges on the degree to which their various interests are met. Some suggest that agreements have to be based on common interests, assuming that the parties' competing or unrelated interests divide them and should not figure into agreements that they craft together. There are two problems with this approach. The first is that the parties may have only a few interests that could be considered common interests, and



they may be only those that carry little emotional weight for either party. Consequently, the options that these interests generate will likely be limited and encompass only a narrow range of possibilities. The second is that a focus only on common interests ignores many of the deep-seated concerns that lie at the heart of conflicts between the parties. Enduring agreements that have a wide degree of acceptance by both parties, and to which they are highly committed to carrying out, must be built on *the key interests of both parties*, whether they are held in common or not. Doing so demonstrates a commitment to a process that respects the need of both parties to arrive at solutions that satisfy their respective constituents in order to move forward. Such efforts help considerably to build or strengthen trust between the parties, as well.

Involve those affected by the change

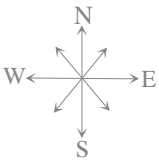
It is true that change is often difficult for those affected by it, but the difficulty is enhanced when people are made the object of the change and are not active participants in it. Excluding those affected by change is a key contributor to their resistance. One of the best way to get the buy-in that police administrators seek from patrol officers is to involve them early in identifying the forces that are driving the need for change, clarifying interests of all parties, generating options, making decisions, participating in their implementation, evaluating effectiveness, and making appropriate adjustments.

Involvement of patrol officers, through their union, in the change process does more than just reduce resistance. It also enhances the quality of the outcomes of the change process itself. Patrol officers are typically closest to the work and have considerable knowledge and experience to bring to the deliberations about what changes ought to occur and how they can best be accomplished. They know the community and have good ideas about the problems that they face. They work with the department's internal procedures and can identify those things that both help and hinder their ability to work effectively. They know the strengths and weaknesses within the department and can point out inputs and resources necessary to help them to achieve objectives in an appropriate and expeditious manner. They also can help to make the hard choices when circumstances may require trade-offs in how resources are allocated. Involvement of patrol officers through their union should not be considered a burden, but rather an enhancement of the change effort.

Enlist a third party to facilitate conversations

Workplace memories and the emotions that surround them often last a long time. Perceived injustices perpetrated by either side have lingering effects that can sidetrack other problem-solving efforts. As in other relationships in which trust has been violated, union and management may have a difficult time talking with each other without old wounds resurfacing when tensions rise. When this happens, listening becomes very difficult and understanding goes out the window. Consequently, the parties do not recognize those points at which they are near an understanding, if not agreement.

A third party can help to facilitate conversations when there is a high degree of tension or acrimony, but only if the third party is even-handed, knowledgeable without being condescending, and skilled in facilitating group processes. Union-management groups can usually establish ground rules, but often can't hold each other, or themselves, to them. In the presence of a third party, group members are usually more civil and respectful in their comments, and can be prompted to bring up the interests that underlie the solutions that they seek to the conflict. A third party can more easily pause the conversation to restate comments in a way that helps all parties to hear as well as understand what is being said. The third party can also help to assure that all voices that wish to speak can be heard, thereby helping to build commitment to the process as well as generate a wide range of ideas and options that lead to more effective and appropriate solutions.



Carefully choose the terms that are used

Community policing is a carefully crafted term that connotes quality, customer focus, continuous improvement, and partnerships to many of those who advocate its implementation. It is analogous to Total Quality Management and falls within the domain of initiatives set forth to redesign government. Admittedly, community policing is not just another program, but rather an expanded way of delivering police services and managing internal operations. Like the other terms mentioned here, for some the term community policing conjures up nothing of the sort. Some see the concept as a union-busting strategy. Others see it as just another management program that will generate excitement for a while, and then be quietly put on the shelf with all of the other discarded or failed initiatives. Others may see it as a term for what they believe they have been doing all along and see it as an ill-conceived program being foisted on a department by reelection-minded politicians. And others think of it as a strategy that is soft on crime and in opposition to what they believe to be their primary responsibility as law enforcement professionals.

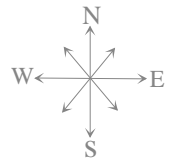
Try as you might, it may be impossible to dispel these notions and lead naysayers to embrace the concept of community policing. That is of little consequence because even the resisters will respond favorably when asked to provide ideas of how police services and internal operations can be improved, ideas that are almost always consistent with the concept of community policing. Rallying behind an undefined concept just may not work, but engaging each other in discussions about ways to improve quality of service and effectiveness of internal operations will likely bear much more fruitful results. After all, it is the results that matter, not whether or not all members of the department can define what they do as being “community policing.”

Getting buy-in is not the same as building commitment

“Getting buy-in” is a phrase that describes how organizations get the rank-and-file and their union to go along with top-down organizational change that they propose. In buying-in to a proposed change, the work force agrees not to stand in the way of initial implementation and to try it out to see how it works. With buy-in, however, they are not saying that they think it is the best course of action to pursue, nor are they saying that they will do all in their power to make the change work effectively. In buying-in they are not accepting any responsibility for the change and they retain the right to grieve or criticize the plan at the first sign that it runs into difficulty. In short, there is neither ownership of the proposed change nor any commitment to it.

Getting buy-in may be sufficient for some things for which acceptance and commitment are not very important. For transformational change, which calls for a fundamental shift in how people regard their roles within the organization and in the community, as well as how they apply a different or broader range of responsibilities, such as in the change to community policing, buy-in will not be enough. For transformational change to be effective, it will require the commitment of all involved to keep trying until the desired outcomes are achieved. And as is the case with many transformational changes, as some desired outcomes are achieved, new goals are identified and are added to the list. Thus, the commitment of all involved will need to be renewed.

This type of commitment is developed through the continued involvement of the key stakeholders who are most affected and who will be called on to carry out the changes. It will be enhanced as patrol officers and their unions see that the collective bargaining agreement and process is respected. It will be enhanced as union leadership provides input that is seriously considered. It will be enhanced as the union and patrol officers acknowledge that the department is attempting to craft solutions that address their interests and issues. The process of building commitment is ongoing, and requires the leadership of both union and management to be willing to interact in ways that makes less visible the traditional boundaries of their relationship.



Adjust internal systems to support the changes desired

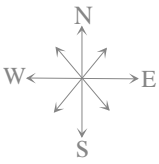
Identifying what should be changed and how to accomplish the changes are only two components of a comprehensive change process. The proposed changes are likely to target outcomes and behaviors that differ from those expected under the status quo. Some of those outcomes and behaviors will be difficult to attain because the department's internal systems are geared to achieve other objectives. For example: officers may be asked to spend time in neighborhoods getting to know people or developing a more positive attitude among youth toward the police. Doing so, however, may make it harder for them to write the targeted number of traffic tickets on which their performance review is partly based. Typically, if the number of traffic tickets is what is measured and contributes to the performance review, then that will be what the officer makes sure to accomplish, rather than focusing on the other desired, yet unmeasured, behaviors. In another example, a department may want its officers to internalize the use of a systematic problem-solving method to solve problems they face regularly on their beats, and require use of the method on at least one problem per month. The officers, however, receive only minimal training, there is no review of the problems to address, and no one really looks at the write-ups the officers provide to describe their efforts. Consequently, after a while officers recognize that the chief only wants to be able to tell others that the department is applying a problem-solving approach, so they begin to turn in duplicates of their own and each others' problem reports.

Real change requires a committed and comprehensive effort, which means that union and management leadership have to look at the desired outcomes and behaviors then examine the ways in which the existing systems will help or hinder achieving the goals. Regardless of the extent to which the union is involved in the changes up to this point, the involvement of union leadership in this step is critical. People who are closest to the work will be best informed about where the barriers are and will have many good ideas about how to overcome those barriers. They will be able to anticipate many problems before they become visible to management and will be very useful in helping to make the changes as smooth as possible.

Share information widely

Participative processes typically usher in more and more frequent requests for information. Increased problem-solving efforts will increase the need for information to understand and solve the problems. People will want to know more about the forces that are driving change, about what other departments are doing, how well they are doing relative to what they did before, how well they are doing relative to similar communities, and so on. Some chiefs respond to the increased demand for information by saying that they already provide all the information that officers and unions need to know, although they are the ones who decide what the officers and union need to know.

It may not always be clear to the person receiving the request why information is wanted or needed, but withholding information or making it very difficult to obtain does not help to build trust between the parties. If there are specific topics that the parties do not want open to joint discussion, it is appropriate to declare them off limits, but this should be done at the onset of the change initiative to minimize the chance for misunderstanding and conflict. If there is a concern that those providing the information may be overwhelmed with requests, it is also appropriate to define a procedure for requesting information, as long as the procedure does not create barriers or grant powers to withhold data. Otherwise, the parties may want to make it known that requests will be made and they will be honored. Doing so will help considerably to build trust between the parties and the information provided may also help to improve the effectiveness of the change effort.



Build trust by successfully working through some tough problems

Working together on a task and seeing it through to successful completion helps a great deal to build better relations between the parties, and a high degree of trust is not required to get started. Sometimes, union and management think that they cannot possibly engage in joint change efforts because there is little trust between them. If the parties agree to follow a process that seeks to build understanding through clear communication and use of data, clarify the key interests of both parties that have to be addressed, evaluate options through use of criteria, and follow through on decisions made, it is not only possible to proceed without a high level of trust but trust is likely to increase as the parties see positive progress.

Reward the desired behaviors

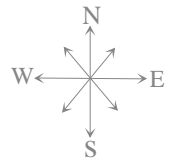
Too often the mechanisms that an organization has in place to recognize or reward performance are not structured in a way that is consistent with the new outcomes and behaviors that are targets of the organizational change efforts. This causes confusion and undermines the change process. For a while, people might be inclined to take on the new behaviors that the change effort prescribes, but they are not likely to do so for long if the performance evaluation process continues to reward those actions that have always been rewarded.

Consistency is crucial in a change effort and consistency is one of those things that help each party assess whether the other is really committed to the change. Some of the inconsistencies may not be readily apparent when planning the change, so it may be helpful for each party to prepare to exercise some tolerance. Involving those called on to carry out the changes throughout the process will help a great deal to identify many of the inconsistencies before they become another problem to address.

Nurture genuine participation in planning and implementing the change

Sometimes, opportunities offered to union leadership to participate receive little response. Some of the factors that could affect the degree of joint labor-management participation in change efforts include lack of trust, skepticism, lack of understanding of the forces driving the change, different interpretations of the forces driving change, divisions within the union about the appropriate response, differing expectations about what constitutes participation, and lack of appropriate skills on the part of union and management.

The participation of both union and management, including midlevel command (who are often both management and represented by a union) is vital for the long-term success of the effort. Union and management leadership may need to nurture participation; that is, continue efforts to obtain input and to collaborate on planning, problem-solving, and decision-making. Efforts to promote participation include training in communication for understanding and systematic problem-solving, facilitation by a third party, open and extensive information sharing, resolving outstanding grievances, and other efforts that signal the parties' commitment to act in a collaborative fashion. An appropriate axiom to guide efforts to nurture participation is: Be the change that you seek.



Remove barriers to effective performance

The great majority of people take considerable pride in their work. They want to do a good job and often do more than is required of them. They are willing to tolerate some inconsistencies, perceived injustices, less-than-optimal decisions, and external pressures and still work hard to get the job done, but that desire to do a good job should not be taken for granted. Ultimately, the internal practices and procedures that complicate or interfere with doing a good job, when permitted to exist through neglect, may antagonize workers and undermine their willingness to do any more than what is required. Over time, some may begin to let their performance slide because the lower performance expectations have become the norm.

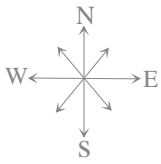
An effective strategy is to apply a problem-solving process to the barriers to effective performance identified by union and management leaders as well as by the rank-and-file. Barriers may exist because of outmoded procedures that did not keep up with changes within the department or were not consistent with what they were intended to accomplish. Regardless, barriers to effective performance typically exist as a consequence of decisions made or not made at some point in the history of the department. Therefore, new decisions can be made after acquiring a sound understanding of how the barrier affects performance, what solutions to address, and what options would satisfy, in whole or in part, the needs of the parties.

Use interest-based approaches to problem-solving and planning

Building agreements that address the needs of both union and management is the basis of successful joint labor-management change efforts. When each party sees proposed changes as meeting the interests of its constituents as well as or better than any other option, it will be much more likely to actively support the changes and effectively carry them out.

Focusing on interests is a type of negotiation or problem-solving process that is different from those traditionally used by police unions and management. Typically in negotiations (and problem-solving is a type of negotiation), the parties come to the table with their positions on the issue, which are really just answers to what they think the question will be. Sometimes they have asked the appropriate question and other times they have not. Regardless, starting the process with the answers limits the discussion to a very narrow set of options. If the parties do not agree on the real issues and how they affect their constituents and the department, then their discussion will not be very fruitful. They may reach a decision, but it will likely involve compromises that may not give either party what it wants or needs. Or, they may not reach a decision, which is likely to result in the issue being resolved through arbitration with at least one party not getting what it wants or needs. If the parties have been addressing the wrong issue, then neither party will get what it needs or wants.

Interests are the needs, concerns, or desires that underlie the positions that people take. They help to define the problem. They help to answer the questions “Why?” and “Why not?”. They identify what the parties need: a solution to the set of problems addressed that satisfies both of them and their constituents. Focusing on interests helps to expand the options and the possible solutions to a problem. Focusing on interests is recommended in joint labor-management efforts, not for altruistic reasons, but because it leads to better decisions that are accepted more widely, and has a stronger degree of commitment from those who are called on to carry them out. As each party sees that the other is genuinely concerned about crafting solutions that address the other’s needs as well as its own, then cooperation and effectiveness will grow.

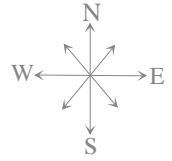


Focus on continuous improvement

Sustaining a change to community policing and incorporating a labor-management approach to addressing issues that face the agency requires ongoing assessment, evaluation, and renewal. Even with the best intentions and excellent effort on the part of union and management, it is difficult to envision every factor or challenge that will confront the agency. Changing circumstances and the experience gained from initial implementation may suggest that improvements to the plans need to be made.

The process of transformational change is ongoing. The parties will continue to recognize things that could be done better. Continuing a regular focus on problem-solving will help to keep the effort on track and to demonstrate commitment to improving the quality of service as well as the work environment within the agency.

Various mechanisms can be created to facilitate an ongoing focus on improvement including: weekly or monthly problem-solving sessions, annual review retreats, ad hoc committees, labor-management forums, and labor-management steering committees. The important thing is to recognize that effective change requires purpose and commitment, and that the best way to ensure that they are sustained is to solidify the practice by establishing structures and processes that are appropriate to the agency.



The Media: Both Headwind and Tailwind to Police Unions and Police Management

Chapter 18

CRISIS INTERRUPTION: ABORTING THE CRISIS LIFE CYCLE

By
Michael R. Shannon
Mandate Media

Any civilian organization that issues firearms to its employees at the start of each business day can expect a crisis sooner or later, yet many law enforcement executives and labor leaders take a surprisingly passive attitude toward this eventuality. The executive's office often assumes that the administration's press office will handle any crisis that receives extensive media coverage. Labor delegates the job to the command staff.

That's putting an officer's career in the hands of individuals who may not have the officer's best interests at heart.

The key to surviving a crisis is interrupting what Dr. James Grunig, professor of public relations at the University of Maryland, calls the crisis life cycle: birth, growth, maturity, and decline. And the key to preventing a cycle from going full term is being prepared before the media's satellite trucks roll into the parking lot.

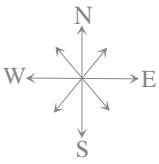
Agencies routinely plan warrant service, hostage situations, training scenarios, and even promotion policies. In many instances, though, the agency fails to do even the least bit of preparation for an event that can cost the chief his job, impair the effectiveness of the agency for years to come, or eliminate the union as a political player for the foreseeable future.

What follows will help law enforcement executives prepare and plan an effective initial crisis response and will give some guidelines and suggestions for preventing a crisis from going full term. What follows also assumes that the department or union is relatively blameless in the matter at hand.

Build an Early Warning System

If a law enforcement executive can stop a crisis during the birth cycle, the duration of the event will be short and the length of his or her career will be extended. The crucial factor in interrupting the crisis at this point is information. A crisis grows big and strong on rumors, innuendo, and speculation. In the absence of fact, reporters and spectators feel free to let their imaginations roam.

The executive needs facts and information to bring a dose of reality to the situation and place an event in the proper context. Information can show how this kind of event has been addressed in other jurisdictions and can be used to rebut accusations and rumors.



Keep in mind that the clock is ticking. Early, timely information helps make an agency's case. Late information—regardless on how accurate it may be—only serves to make an executive look defensive.

The first step in building an early warning system is an awareness of what is happening in other jurisdictions. If the executive is not cognizant of what other agencies and unions are doing and, more important, how the news media is covering these events, then he or she is not doing the job.

The first agency hit with charges of racial profiling, for example, was legitimately taken by surprise; the second agency that was startled by these accusations was asleep at the switch.

The executive or someone trustworthy in his or her office should monitor national news coverage of law enforcement. Trial lawyers and the American Civil Liberties Union (ACLU) read the newspapers, and so should law enforcement.

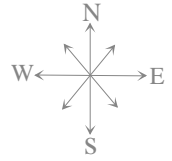
The agency should scan the Internet every morning for information about crises in other areas. Free news-tracking sites include Google's News Tracker (news.google.com) and Day Pop (www.daypop.com). These services allow users to establish a daily keyword search. Google results are delivered by e-mail each day; Day Pop requires a daily visit. Think of these sites as the canary in the cave, or an early warning system. Agencies with sufficient budgets can do searches on Lexis-Nexis, which is much more comprehensive. But realistically, a true crisis is covered widely and the free services will suffice.

Bad news is said to come in threes, and I guarantee that it uses the interstate. Racial profiling, to use one example, went from New Jersey to New York to Maryland to California in just a few months.

By monitoring what goes on elsewhere, an executive can have an idea of what to do, and possibly more important, what not to do if the same or similar events come to his or her town. The information should be filed by type of event for easy access in time of need. When reviewing the coverage of an incident, the executive should analyze the types of questions being asked and the responses on the part of the agency or union leadership.

Equally important, examine who else was a part of the story:

- Did the media contact outside experts?
- Which local activists made the news?
- What was the ratio of attacks to defense coverage during the incident?
- Did the agency have anyone taking its side of the controversy?
- Where was the political establishment?
- Did politicians defend the agency, sidestep the issue, or join the attackers?
- How many witnesses made the news and was there any effort to evaluate their credibility?



All this information can be vital if a similar incident hits an executive's organization. Ideally, he or she will apply the answers to the above questions to his or her jurisdiction. Meanwhile, the executive can do the following:

- Build a relationship with experts on use of force, pay scales, or statistical analysis.
- Identify and obtain contact information on local activists who are pro and antilaw enforcement.
- Determine which elected officials are supportive of the police or union.

If the executive does not have time to read and evaluate this information, an office or board member should provide a daily digest of relevant news from around the country. Each month, the executive and the command staff or the board of directors should meet to discuss what could be done to prevent or respond to similar events.

Particular attention should be paid to stories covered in the major newspapers like *The New York Times*, *The Wall Street Journal*, and *The Washington Post*. These publications set the news agenda for the rest of the nation. Local reporters see what national reporters are covering and look for equivalent stories in their own towns. By thinking like a reporter, an executive can be ready for reporters at the proper time.

Information + Context = Survival

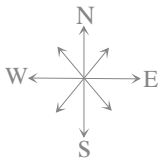
For the next step in the preparation process, an executive should know his or her own agency. It is crucial to build a comprehensive database that evaluates the performance of an agency in relationship to other agencies of similar size, and compares it to a national benchmark based on a per-thousand basis or other standard measuring index.

Union leaders also need this information, but often are unable to get it from command staff. Still, it is helpful to establish relationships with union leadership in other jurisdictions of similar size and share information. Any law enforcement executive probably can name the number of civilians killed by his or her officers in the past year and provide a racial breakdown. But can the executive compare that to other jurisdictions of the same size in the state, surrounding states, and nationally?

The police department in Cincinnati was excoriated for the number of black men shot and killed by its officers—15 since 1995—after an officer shot an unarmed teenager during a foot pursuit. Yet no one pointed out that the Cincinnati police shot more than one-third fewer black men than did the city of St. Louis, which is of comparable size, during the same period.

These statistics must be at hand and the executive must be prepared to release the information when needed. There are no public relations emergency hot lines for law enforcement agencies to dial when they are attacked by the news media. If an executive is not ready with information, opponents will be more than ready with speculation.

In addition to aggregate numbers, statistics must be broken down geographically, racially, economically, and almost every other way possible.



Many departments have an in-house crime analyst. This is the place to start for putting an agency into context, but to be accurate, the numbers also have to be cross-referenced by other variables, which include the following:

- Geography
- Racial breakdown
- Calls for service
- Staffing levels
- Staff racial composition
- Gender composition
- Arrests by gender
- Arrests by race
- Complaints per officer
- Complaints per officer by race
- Complaints per officer by gender.

A little knowledge can be dangerous, as can raw data. If there is no in-house statistician who can put raw data into perspective, one must be hired. Universities are often useful; otherwise the information will have to come from a commercial data or statistical analysis firm. This evaluation must be done every month so that current figures are at hand. Simple percentages and yearly totals are deadly weapons in the hands of reporters.

Racial profiling accusations usually are based on comparing total arrests, stops, or misunderstood behavior per racial group with that group's percentage of total population.

Waiting until a few days after an accusation of racial profiling or some other bias-based offense is made to generate data looks defensive. During the birth stage of a crisis, time is of the essence.

This kind of analysis is expensive and time consuming, yet if the agency does not do it, the union may be forced to do an analysis to defend its members.

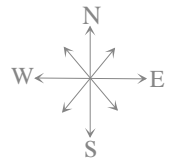
Enlightened labor leadership needs to meet with the command staff to learn if such research is being done. If it is not being done, the leadership should find out why and try to make it happen, or be prepared to do it themselves.

In a crisis, the agency may be afraid to release data, but the union should have no qualms. In fact, the union can release data during the crisis that the agency cannot release for political reasons. But to do so, union leadership and agency leadership must communicate and work in tandem during the crisis. It takes two to tango, and sometimes two to survive a crisis. The next step in the preparation process involves the media.

Embedding the Media

The U.S. Department of Defense had great success with embedding reporters during early stages of the Iraq war, and reaped dividends in coverage. A law enforcement executive can do the same with local news media.

Much of the negative coverage of law enforcement comes from ignorance. Reporters deal predominately with verbal confrontation and often have no idea of what the average officer encounters on the job.



A law enforcement executive's job is to make them aware. It is vitally important to an agency that the media has a chance to take the entire firearms training course, participate in defense tactics drills, and undergo use-of-force training. Once that's done, let the reporters ride with police officers in a high-crime area.

The executive needs to use some discretion in choosing which officers are assigned to chauffeur the reporters, but it's important that the reporters go into the field.

If agencies go to the trouble to put data into context, it only makes sense to give reporters some context, too. Let them know the use-of-force continuum, let them see how hard it is to control an unruly person, let them feel the rubber knife in their ribs when they can't clear the holster, and let them do some bonding with the troops.

An us-versus-them relationship with reporters gets us-versus-them coverage during a crisis.

When an agency loses the benefit of the doubt in news coverage, it loses the crisis. Keeping the benefit of the doubt means building a relationship with the media. The law enforcement executive should not depend on the mayor's office, or governor's office, or whatever political entity has control of his or her agency to do this job. An independent relationship with the media is essential because chances are that when a crisis hits, the politicians will be more concerned with their own interests than with those of the agency and cannot be depended on to buffer coverage.

A relationship with the media must extend all the way into the executive's office. Establishing a media relations office is not establishing a relationship with the media. Reporters must be able to form a bond with the executive, and this building process should not be limited to just reporters.

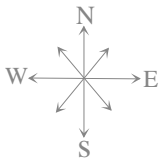
It is important to know the editorial writers and editors on the newspaper, and assignment editors and news directors at broadcast outlets. The executive should not limit his or her interaction with a reporter who might be gone next month. Editors have a tendency to stay on, and they are the people who set the news agenda.

Meetings with editors are often a good time to discuss what the newspaper's policy is on witness statements. Does the paper do any sort of credibility analysis? Is every witness taken at his word? Is rumor given the same weight as fact? Contrasting what your agency does to evaluate witness claims with what the media does will be very helpful in later crisis coverage.

Building this relationship involves regular meetings, lunches, breakfasts, invitations to training, and opportunities to play with the latest toys. Taking a reporter through Civil Disturbance Unit training before a demonstration gives them the police perspective on civil disorder and puts another angle on what the demonstrators will be saying. Better yet, letting the reporter grab hats and bats when the demonstration starts is the closest thing we have to an embedding process stateside.

Sure, there is the chance that someone will say or do the wrong thing when the reporter is around. Some would say that this is a management problem that should be solved sooner rather than later. The police do not have to apologize for keeping the peace and enforcing the law, and they shouldn't have to apologize for being human.

Union leadership can do the same sort of bonding, meeting with reporters and editors, and inviting them to union meetings and functions, being a source of information and news, and most of all, building credibility before the storm hits.



Community Ties Are a Life Line

The next relationship is with the community or political relationship that the chief, sheriff, or colonel's office must establish. If he or she thinks the political side of this job is solely the province of the politicians, the executive will not last long in the job.

An executive must establish community and political ties throughout his or her jurisdiction if he or she expects to weather the storms of a crisis. Such connections must include the following:

- Business community
- Activist community
- Charitable community
- Religious leaders
- Elected leaders
- Political leaders.

Not all of these people will be behind the executive during a crisis, and some may try to run him or her out of town, but some support here is crucial to career survival and the agency's viability in the future.

The goal here is to keep these people in the loop and on the side of the law enforcement executive when a crisis hits. Carefully timed phone calls or briefings can make a significant difference in the level of support during tough times. It is a mistake to let these people get all their information about a controversy from the news media or from elected officials.

Union leaders must do the same: keep a list of people who have written favorable letters to the editor regarding members of his or her jurisdiction; know how to contact these people in the future; and urge union members to pass along citizen commendation letters to keep in union files.

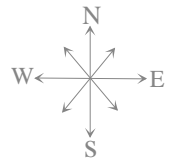
Union leaders should form a relationship with the larger off-duty employers of their members. These individuals have economic and political clout in the community and can help in a crisis.

Both union leadership and command staff should establish a close relationship with department reserves or auxiliaries. Why? These people are members of the community who are strong law enforcement supporters. They can be a bridge between the civilian community and law enforcement. Many are successful business people and have important roles in civilian life.

They can be effective advocates for the department or union during a crisis. Unfortunately, the vast majority of command staffs view reserves as a nuisance and the unions think of them as competition, which wastes a potential resource.

True Lies During a Crisis

Law enforcement is at a great disadvantage in any crisis because of the nature of much of the information that the media uses to make coverage decisions. In a controversy between politicians or businesses, both sides are usually operating from the same factual basis, but each side puts a different interpretation on the data set and tries to sell its viewpoint to the media.



It would be nice if that were the case in law enforcement crises.

Unfortunately, in our business many of the “facts” are simply lies, but when the police point out that a witness is a felon, not believable, or not even present during the event, the media sometimes accuses the police of bullying a public-spirited citizen. Law enforcement credibility is often put through the wringer.

So what do we do?

The crisis will be contained if the law enforcement executive can stay ahead of the media on the information curve. In a critical incident he or she must control the first few hours. As an example, let’s take the shooting that features a white officer killing a black suspect since that is a common flash point for crisis.

Winning the information war begins with who responds to the call. The shooting team or the critical incident team needs to be composed of the best investigators and best interviewers: people who are motivated, energetic, and have excellent rapport and people skills—not whoever is on rotation when the shots are fired.

An executive’s future can depend on this investigation and it is a career death wish to let seniority or random choice determine who takes the call.

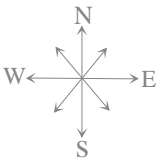
The first step is to establish a big perimeter and keep it closed until the investigation is complete. This means keeping the media at bay until all the possible facts have been gathered. The public information officer should be on the scene to smooth ruffled feelings, but no one is given access until the job is done.

Each witness must be interviewed thoroughly, and potential witnesses must be tracked down relentlessly. It is a big mistake to let a reporter get to a witness before the agency does. Once the witnesses are interviewed, the agency should do a quick criminal history search on each, and see what other contacts each may have had with the department, such as complaints, tickets, domestics, claims of police brutality, and so forth.

This information must be entered into a searchable database immediately, rather than waiting for the data to percolate up the chain of command. When a reporter asks about a witness claim, the executive must be able to compare it with what he or she already knows.

Why is this necessary? How often does news coverage of a law enforcement crisis feature witnesses who contradict the law enforcement agency’s claims? Wouldn’t it help the department if it could reply in one of the following ways?

- We immediately interviewed 153 witnesses within a half-mile radius of the shooting, we put out a call for witnesses, and we knocked on every door in the area and Mr. Hyper was not, to our knowledge, in the vicinity at that time. If he has information regarding the incident we ask that he share it with our investigators so we can have access to all the facts.
- That is not what Mr. Hyper told us when we interviewed him. In fact, in his statement to Officer Credible, Mr. Hyper said...
- I’m not surprised Mr. Hyper said that. We are, in fact, very familiar with Mr. Hyper. He has been arrested...



- We have statements from 10 witnesses who were in the immediate vicinity and they all contradict what Mr. Hyper is telling you. In fact, all of those witnesses said...
- We know this is a very trying and stressful time for members of the family and recollections of an event can become confused. But we have statements from X other witnesses who said...

The same goes for other evidence surrounding the incident. If the agency has a videotape that supports it, then release it. If the tape requires interpretation, have an expert there to do it. The forensic data should also be available as soon as humanly possible.

The same goes for background research into the suspect and 911 tapes regarding the call.

It is not necessary to tell everything during a crisis, but the executive certainly must be ready to answer everything or face the consequences.

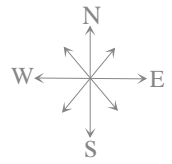
Command staff and union leadership must be ruthless rumor killers. Each must demand that the news media label speculation as just that and each must not, under any circumstances, answer hypothetical questions.

During the initial contacts with the media, the executive also must have background information ready. For example, many jurisdictions have laws or policies that give officers involved in a shooting hours or several days before they must give a statement. Some reporters misinterpret this as stonewalling. Don't expect them to take the word of the law enforcement executive. Instead, distribute copies of the law or policy document and arrange for an outside expert to explain the reasoning behind the law or policy.

A spokesperson from the police academy should be present to answer tactical questions, such as when a suspect has been shot in the back. Reporters don't understand how a suspect can fire, turn, and be moving away before the officer fires in return. The expert can explain that.

The executive should monitor questions carefully to discover the template into which reporters are trying to fit a set of facts and the research from other jurisdictions and other crises relevant to the situation. The executive should not passively allow the media to twist events to fit its agenda.

By getting the facts out fast and anticipating where the news media is going with its coverage, the chances of stopping the situation before it becomes a crisis are much improved.



TIPS FOR LAW ENFORCEMENT MANAGERS AND POLICE UNIONS IN DEALING WITH THE MEDIA

Never go off the record

There is no off the record by law enforcement managers and police union leaders when it comes to the media. Never, ever say anything to a reporter that should not be reported in the newspaper or on the nightly news. Numerous Presidents of the United States have learned that their comments will make the news regardless of what was agreed on with the reporter. As a side note, the microphone is always on at a media event. Executives should watch what they say to the persons around them. Law enforcement managers and union leaders have been ousted because they misspoke to the media.

Be frank and honest

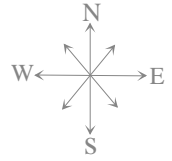
Do not be afraid to say, "I do not know." During a crisis or controversy, the media seeks out the law enforcement manager and union leader for comments. Often, neither party knows all of the facts and circumstances at the time the media wants a reply. Seldom is "no comment" the right response. But executives may have to use it to buy time to gain access to the facts. They simply should tell the media that they will have a more complete response when they have had time to gather more information. Police union leaders and police managers need to avoid overreacting to the emotions of the moment and making a personal attack on the other.

Respect the media as a business

This is a business, reporters have a deadline, and that deadline will be met with or without a comment from the law enforcement manager or union. All reporters are not the same, so it is incumbent on managers and union leaders to cultivate relationships with reporters that will lead to trust and respect. Managers and unions must make themselves accessible to the media, and return telephone calls, even if they do not intend to make a public statement because he or she might be able to direct the reporter to a better source for information. Finally, the executive should provide documentation to the media to back up his or her statements.

Take the news with a grain of salt

Every day, law enforcement professionals await the next call for a murder, rape, burglary, or automobile accident. Officers take those calls not knowing if a shooting may occur or if the officer will get into a high-speed chase. Their managers know that a crisis or controversy will occur eventually, because enforcing the law will result in arrests, injuries, and even deaths. All crises and controversies will pass and become yesterday's news. Very few people can tell what was on the front page of last week's newspaper. Common sense and patience will overcome all bad news. Remember that many changes and reforms arose from what the law enforcement manager and union thought was a fatal blow to the agency. Use a crisis or controversy to make needed changes and reforms.



Chapter 19

TEN THINGS THAT LAW ENFORCEMENT UNIONS AND MANAGERS DO TO RUN AGROUND

By

Ronald G. DeLord, President

Combined Law Enforcement Associations of Texas

In the public sector, it is not a matter of *if*, but *when* the next crisis or controversy will occur, be it a collective bargaining impasse, budget shortfall, crime-rate increase, high-profile crime, police pursuit accident, police brutality incident on video, a shooting, or in-custody death. Ever wonder how some communities survive a high-profile conflict, crisis, or controversy involving their law enforcement agency with very little fallout from elected officials, the public, or the media? A high-profile conflict, crisis, or controversy more often than not sets law enforcement management and the union on a collision course that garners negative media exposure, lowers morale in the agency, and can generate a “no-confidence vote” by the officers against the agency head. It can take years to heal the anger, resentment, and negative public reaction after such a confrontation between police management and the police union.

Here are 10 potential pitfalls to consider the next time an agency has a conflict, crisis, or controversy that could lead to a confrontation between management and the union:

1. Assuming the Traditional Roles Played by Management and the Union in Every Situation

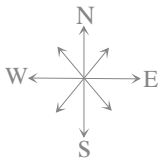
We must first accept that both management and the union have a role to play in law enforcement. The traditional labor-management relationship requires that both management and the union accept traditional roles. If management and the union just accept their traditional roles, then both sides will not be disappointed, but nothing will ever change.

Where management and the union start their relationship may be more important than where it will end. Does police management enter every contract negotiation fighting to gain control over discipline and working conditions? Does the police union seek only higher pay and benefits? Is a shared vision of a safer community something either party ever considers?

If the executive is the only person with a vision, then the union has no ownership in the vision. If management and the union can agree in advance on a shared vision of what kind of agency is required to make the community safer, then the methods used to gain that vision of a safer community are negotiable. There will be less conflict if both management and the union have agreed on a shared vision, and they can mutually sell that vision to the rank-and-file officers, elected officials, public, and media.

2. Rushing to Judgment

If an officer is being investigated for an alleged brutality complaint caught on video, be patient and let the criminal and internal affairs investigators complete their jobs. The media always wants an immediate response from management and the union. There is no requirement that either party answer any questions that they feel will exacerbate the situation. Sometimes the old “no comment until all the facts are in” will



suffice. A news story will be reported no matter what management or the union may say, but careful consideration needs to be made as to how initial comments will affect the ability to resolve the issue later.

Law enforcement management needs to stop and think before publicly announcing that the officer will be disciplined. The rush to convict the officer in the media may start a war with the police union before all the facts are gathered. Union leaders need to frame their remarks carefully around the legal defense that is available to all members, and not rush to conclude that the officer is not guilty. Media loves controversy and will attempt to solicit remarks from both sides that put them at odds during the investigation. Management has a duty to investigate all complaints properly and the union has a duty to defend its members, pursuant to its policies. Harsh words and angry exchanges heat up the situation and make it more difficult to find common ground later. All crises and controversies will end eventually, and management and the union will still have to work together.

3. Ignoring or Not Recognizing the Pressures on Management or Union Leaders During a Crisis or Controversy

Union leaders have the constituency that elected them. The members are always watching to see how the union and its leaders handle management, elected officials, the media, and the critics of the agency in defending a fellow member (or the agency) during a crisis or controversy. Union leaders rise or fall during a high-profile incident. Union leaders receive pressure from members to take certain public positions that may appear confrontational to management.

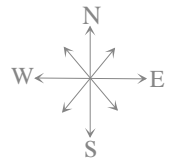
The same holds true for police management. Police chiefs generally are appointed and sheriffs are elected. Their positions are often threatened if they are perceived to be handling a crisis or controversy poorly. Elected officials, agency critics, and the public may pressure management to take stronger action during a crisis or controversy, action that management knows will cause a backlash from the union.

Both parties need to recognize that some statements or actions are required as a part of the role each has to play to satisfy their constituencies. This is where communication, cooperation, respect, and trust become valuable to avoiding unnecessary conflicts. Privately explaining to each other beforehand what management or the union must say or do will lessen the impact of being surprised in the media. Both management and union leaders want to save face. No one wins a protracted war of words. If either side boxes the other into a no-win situation, the entire crisis becomes a no-win situation.

4. Defending the Indefensible

While compassion and an understanding of human frailties are necessary, both management and unions are often guilty of defending the indefensible. If, for instance, a high-ranking police official was caught drinking and driving and the police chief gives him a minor suspension, he or she could expect a backlash among the rank-and-file officers who see the chief's action as disparate discipline, and with the public for giving police officers preferential treatment. On other side, if, for instance, a police officer is arrested for using drugs illegally and the union defends his or her actions as caused by stress of the job, the public and media will most likely see the union as defending "bad apples," and the union can expect bad press.

The truth is that neither management nor the union initially controls most conflicts, crises, or controversies. Things happen when officers carry guns, chase criminals, arrest people, and enforce the law. Be honest and truthful. Some actions are indefensible no matter how they are spun. Often, the chief and the police



union need to let the chips fall where they may. They cannot save some people from themselves. Does the chief or union president want to go down with the ship for actions by a police officer (regardless of rank) that common sense says are reprehensible? The chief can be compassionate and even-handed in his discipline, and the union can provide the member with a lawyer without condoning or defending the officer's action. Elected officials, the media, and the public are watching everything the agency does.

5. Overreacting, Retaliating, and Making Personal Attacks During a Crisis

A law enforcement executive or union leader must count to 10 before reacting to perceived attacks. They should not take perceived attacks personally, even if they are personal. Law enforcement executives and union leaders must stay focused on resolving the crisis. When they become angry and lash out, they lose control of the situation. Community activists, minority leaders, elected officials, and the media may criticize the actions of management or the union. The public will judge both management and the union on the outcome, and not whether they responded directly to each vocal critic. It is very difficult to remain calm during a storm, but that is what law enforcement executives get paid for and what union leaders are elected to do.

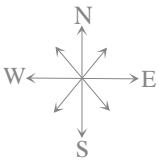
Firing, transferring, or otherwise punishing employees during a crisis or controversy, especially if they are union officials, is almost never permissible. While there may be a line that, if crossed, would cause management to seek disciplinary action, it needs to be a wide line. When government officials react by using their power to discipline employees for speaking out on matters of public concern, the public entity risks damages for violating an employee's constitutional rights to free speech. There is also the risk of a negative public reaction to heavy-handed government action. The public likes to hear what whistleblowers and police officer critics have to say. Retaliation only confirms to the media and public that the agency has something to hide.

Union leaders need to recognize that management has a job to do. If the union takes a confrontational position early in the crisis or controversy that would appear to the media or public to be retaliating against management for doing its job, it will only confirm to the media and public that the union is a part of the problem and not the solution.

6. Forgetting That Elected Officials Do Not Like to Make Waves, and All Battles Are Won and Lost in the Court of Public Opinion

Just about everything that happens in a law enforcement agency is open to the public. Much of what happens generates news, and any conflict between management and the union during a crisis or controversy will be covered by the media. There are few secrets from critics, the media, or the public, especially for agency heads who have to comply with open records and meetings laws. Law enforcement agencies leak like a sinking ship during high-profile incidents. Management and unions need to realize that all of their words and actions will be brought to light. Words and actions send messages to each other, the media, and the public. Any efforts by management and the union to resolve conflicts before they escalate will go a long way toward preventing a public collision that damages relationships, the agency, and the public.

When law enforcement management and unions clash during a crisis or controversy, it makes waves. The chief or sheriff knows that his or her future is directly dependent on the whims of elected officials or the public. While the governing body of the community may publicly defend a chief's actions during a crisis or controversy, the more waves created, the greater the chance he or she will be looking for work soon after



the issue is resolved. Smart agency heads maintain good relationships with elected officials and the public to withstand higher negatives during a crisis or controversy.

Law enforcement unions depend on the goodwill of the governing body and the public for their contracts, wages, benefits, and equipment. Police unions need to weigh carefully how deeply they wish to get involved during a crisis. Making unnecessary waves will lose the goodwill of the governing body and public. Unions need to have a high positive rating with the public, in particular, to withstand higher negatives during a crisis or controversy.

7. Forgetting to Use Common Sense

While we live in a politically correct world, and this is especially true for law enforcement management and union leaders, both management and union leaders must use common sense during a crisis. The public likes to judge its government employees against how they (the public) would have used common sense to solve the problem.

Common sense dictates that all conflicts must eventually be resolved by compromise. Communication, cooperation, respect, and trust again come into play when it is time to settle public disputes between management and the union. If both sides are listening to each other, they will recognize opportunities to reach a compromise. They should not be afraid to seek out community opinion leaders to act as mediators or facilitators. The longer the parties continue the conflict, the harder their positions become. Knowing that a conflict will end eventually, both sides need to start seeking resolutions as early as possible.

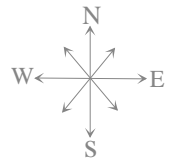
8. Playing Hardball on the Wrong Issues

Politics and law enforcement often require hardball tactics by management and unions. It is easy to play hardball with the other side on an issue, but knowing when to play hardball is really more critical than having the courage to play hardball. For example, the police union circulates a petition calling for a referendum on more manpower. Public sentiment is with the union, but management believes it will reduce the budget for other essential issues. If management plays hardball with the police union, it will end up fighting against the general public and maybe some elected officials. A softer approach may be to meet with the union and work toward releasing more officers onto the streets, and working with the media to educate the public about the costs of such a manpower increase.

In another example, from the union side, the executive is being pressured to promote more minorities in a department that is predominately white. The community is more diverse than the agency, and the general public supports a more diverse agency. The union could play hardball and try to kill or delay the promotions, but a better approach might be to work with the executive to see if there may be areas of mutual agreement within which to create promotional opportunities that would be more inclusive of minorities. If the union decides to play hardball, it risks alienating the community and elected officials.

9. Making an End Run

There may be issues so important to management and the union that they feel it is worth damaging their relationship by making an end run to win support, but the consequences can be severe. When management goes around the union to communicate with or encourage the rank-and-file to support or oppose an issue without respecting the union's responsibility to speak for the officers it represents, management can expect



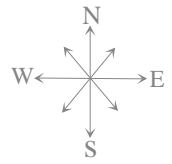
a union backlash. The union has a role to play, and its leadership was elected to speak for the members on labor-related issues. The same holds true for the union when it decides to make an end run to the city manager or to elected officials. The union's lack of respect for the agency executive may understandably motivate him or her to fight back. Bitterness can be deep and long term, especially if either side surprises or blindsides the other. If the parties meet and cannot agree, then each has more of an argument to sell its position to elected officials, the media, or the public.

10. Refusing to Communicate Regularly

Communication during a crisis or controversy is almost guaranteed to be strained. Law enforcement unions and management need to develop a level of trust and respect that allows them to communicate regularly. That trust and respect will pay big dividends when the department is in a crisis mode.

One method that management can use to build better communication is to keep the union in the loop. Bringing the union into command staff meetings and seeking the advice of the union on matters of mutual concern will not only give management a different view on issues, it also will give the union the correct information instead of rumors.

The union can build trust and respect by telling management what the rank-and-file is thinking. Often during a crisis, rumors raise the level of anxiety within the department. If the union and management have the ability to communicate honestly, it will lessen tensions and keep the department from imploding.



Building a Supertanker

Chapter 20

DEVELOPING A SHARED VISION OF A SAFER COMMUNITY

By
Ronald G. DeLord
Jerry Sanders
Project Coordinators

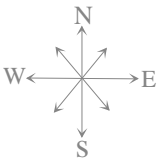
Who Really Represents the Community When It Comes to Making the Community Safer?

Of course, the elected officials would say they do. The law enforcement executive would like to believe he or she does. And the law enforcement union would posit that the rank-and-file officers do. In truth, in most communities, special-interest groups compete to gain power to promote their own views of the community. No one seems to be putting the public first.

Within their communities, elected officials are focused on a wide range of constituencies demanding various services and funding allocations. Law enforcement is among them. The government administration often seems overwhelmed in trying to balance a budget with so many demands placed on it by special-interest groups. Often, it can seem as though financial concerns are outweighing the government's responsibility to create a safer community.

What about law enforcement managers and unions? Surely they are putting the public first. Unfortunately, that is not always the case. The traditional roles for managers and unions in law enforcement have not changed much during the past 100 years. The public sees the unions as always wanting more—more benefits, higher wages, and better working conditions. When a union starts a campaign for more officers, the elected officials, government administration, and law enforcement management generally believe that it is a union ploy to attract attention to their demands for more benefits, higher wages, and better working conditions. Once the union's demands are met, the demand for more officers will subside. The union and officers perceive managers as more concerned about getting or retaining control over discipline, assignments, shifts, and schedules than they are about a more efficient and effective law enforcement agency.

It is a vicious cycle. How do managers and unions break the cycle and develop a shared vision of a safer community? How can managers and unions make themselves relevant in the debate about crime and a safer community? It will not be easy to overcome generations of doing things the same old way. Both managers and unions will be required to exercise leadership qualities to convince their bosses and constituents that there is a better way to do business in the 21st century.



Four Steps That Law Enforcement Managers and Unions Can Take to Jump-Start the Process

Step 1: Poll the Public

Ask any law enforcement manager, union leader, officer, elected official, or government administrator what the public thinks about the operational efficiency and effectiveness of a law enforcement agency, and each will say that he or she knows what the public is thinking. While each group may believe it has its fingers on the pulse of the community, it has no substantiated data to prove its beliefs.

The public's perception about its personal safety and security is as important, or more so, than the reality. Publishing and debating crime statistics is a waste of time. Crime statistics are not a meaningful measure of how safe and secure the public feels. In some large cities, crime is still high compared to other parts of country, but the citizens and tourists may perceive that these cities are safer. That perception was not achieved just by lowering the reported crime rates. Citizens in a major Texas city were asked if they felt any safer than they did the previous year in light of falling crime statistics. The answer was an overwhelming "no."

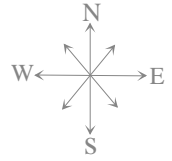
The manager and union should first agree to have a professional polling firm conduct a valid public opinion poll. The questions should measure how safe and secure the public feels. The goal would be to have public perception of safety and security improved by the next year. Other questions should measure the public's perceptions of the effectiveness and efficiency of the law enforcement agency. Generally, polls indicate that the public has a higher regard for the rank-and-file officer than of the union or manager. The pollsters could also ask the public how it feels about the manager's performance and the union's job. Does the public feel it is getting full value for its tax dollars? The poll would need to be deep enough to differentiate between the various economic areas of the community. The attitudes throughout a community are not generally the same. How would various sectors of the public like to see tax dollars allocated?

This information will be critical when developing a shared vision of a safer community. The shared vision cannot be just what the manager and union believe it ought to be. The public must be the first priority.

Step 2: Poll the Officers

This may be harder to do than conducting the public opinion poll. First, the agency manager and the union may not want to know what all the officers in the agency are thinking. Second, managers and unions like to tell the elected officials and media that they already know what the officers want. This poll does not have to conflict with collective bargaining surveys conducted by most unions. The mutually agreed-on poll should be designed to help the manager and union develop a shared vision of what kind of department they want and what that department can do to make the public safer and more secure. That information should be invaluable to both managers and unions when they meet at the bargaining table.

The poll should seek to determine what the officers think about the effectiveness and efficiency of the department. How would the officers allocate resources and personnel if they had the power? Which programs do the majority of officers believe are working and which are not working? Law enforcement agencies, like all government agencies, have a very difficult time eliminating an implemented program. Programs become institutionalized, and officers, managers, citizens, and elected officials often believe that the program is integral to public safety.



The key question is whether the officers are willing to make the sacrifices to have a more effective and efficient agency. Would adding more officers actually reduce crime, or just reduce the amount of work each officer has to do? Are the officers willing to work the schedules and shifts needed to reduce crime and make the community safer?

Step 3: Audit the Department

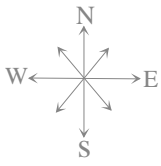
This is another difficult step. Generally, elected officials or government administrators retain consulting firms to conduct performance audits of law enforcement agencies. Many of these consulting studies are never acted on. The agency manager and union need to agree to retain a professional consulting firm they believe can audit the performance of the department accurately. The manager and union should already have the results of the public and officer polls, so they know what these parties perceive as the weaknesses and strengths of the department.

Crime statistics should not be used as the measurement of the effectiveness and efficiency of the agency. The agency should retain a consulting firm that is academically able to measure the programs that are working and those that are not, and look for answers to such questions as the following:

- Are officers being assigned to work when crime is actually occurring?
- Which operational decisions are more politically based than practical?
- Can these decisions be supported by actual data?
- Are the agency's available personnel and resources being used as effectively and efficiently as possible?
- Are statutory and contractual constraints in place that hamper the effectiveness and efficiency of the agency?
- In a perfect world, how should resources and personnel be used to make the community safer?
- Can the manager and union find areas of mutual agreement where the parties could lobby to change statutory restrictions or bargain changes in the contract that impede the conclusions and desires of the public and officers?

The manager and union also need to measure the conclusions and poll results against financial and political realities.

The manager and union should review the polls and the consulting report to find one or more elements that will start the process of creating a shared vision of a safer community. A mutually agreed-on shared vision will have to be incremental. Small steps toward such a shared vision will help develop trust, respect, cooperation, and communication. It will also send a signal to the officers and community that the management and union want to put the public first.



Step 4: Build a Coalition in Support of the Shared Vision

Unless management and the union can agree to build coalitions in support of the shared vision, the plan will fail. First, the officers in the department must be firmly in support of the vision. If not, the backlash will oust the union leadership and future union leaders will be fearful of a cooperative relationship. Also, the media and elected officials will learn that the officers are against any changes recommended in the shared vision and that will cause them to be overly cautious or opposed to the changes.

Second, management and the union must agree to educate the government administrator and elected officials about what they are recommending. Since financial and political realities are a fact of life, it is critical that they support the shared vision.

Third, the manager and union need to agree on a public marketing plan. They should work together to build coalitions with every possible special-interest group in the community. Civic groups like to have guest speakers and having the manager and union appear jointly will go a long way toward convincing the community that they can work together for the common good. A press conference will get some free media exposure. The manager and union can work out a paid media campaign to reach a larger audience.

Conclusion

If the manager and union work through every step and can reach some agreement on a shared vision for a safer community, it will improve their relationship and open new opportunities to work together for the community. The manager and union have a vested interest in a more effective and efficient law enforcement agency. Joint ownership in that shared vision is the most important element in cooperative law enforcement labor-management relations.